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Title 3—THE PRESIDENT

Executive Order 10816

AMENDMENT OF EXECUTIVE ORDER NO. 10501 [1] OF NOVEMBER 5, 1953, RELATING TO SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

By virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

Executive Order No. 10501 of November 5, 1953, relating to safeguarding official information in the interests of the defense of the United States, is hereby amended as follows:

1. Section 4 is amended by adding a new subparagraph at the end thereof, as follows:

"(i) *Departments and agencies which do not have authority for original classification.* The provisions of this section relating to the declassification of defense material shall apply to departments or agencies which do not, under the terms of this order, have authority for original classification of material, but which have formerly classified material pursuant to Executive Order No. 10290 of September 24, 1951."

2. Section 15 is amended by adding a new subparagraph at the end thereof, as follows:

"Historical Research. As an exception to the standard for access prescribed in the first sentence of section 7, but subject to all other provisions of this order, the head of an agency may permit persons outside the executive branch performing functions in connection with historical research projects to have access to classified defense information originated within his agency if he determines that: (a) access to the information will be clearly consistent with the interests of national defense, and (b) the person to be granted access is trustworthy: *Provided,* that the head of the agency shall take appropriate steps to assure that classified information is not published or otherwise compromised."

3. The first sentence of subparagraph (d) of section 8 is amended to read as follows:

"Confidential defense material shall be transmitted within the continental United States by one of the means established for higher classifications, by registered, certified or first-class mail, or by express or freight under such conditions as may be prescribed by the head of the department or agency concerned."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 7, 1959.

[F.R. Doc. 59-4018; Filed, May 8, 1959; 2:35 p.m.]

[1] 18 F.R. 7049; 3 CFR, 1949-1953 Comp., p. 979.

Memorandum of May 7, 1959

[DEPARTMENTS AND AGENCIES SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 2 OF E.O. 10501]

Memorandum for the Heads of All Departments and Agencies of the Government

My memorandum to you of November 5, 1953, relating to Executive Order No. 10501 of the same date is supplemented by adding to the enumeration of departments and agencies under the heading "Original Classification Authority Eliminated" the following agencies:

29. Farm Credit Administration
30. Federal Coal Mine Safety Board of Review

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 7, 1959.

NOTE: The text of the memorandum of November 5, 1953, is set forth below.

(Continued on p. 3779)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

[Departments and Agencies Subject to the Limitations Specified in Section 2 of E.O. 10501]

Memorandum for the Heads of All Departments and Agencies of the Government

The following departments and agencies of the executive branch and their constituent agencies shall be subject to the limitations specified in section 2 of the Executive order entitled "Safeguarding Official Information in the Interests of the Defense of the United States":

A. *Original Classification Authority Eliminated:*

1. American Battle Monuments Commission.
2. Arlington Memorial Amphitheater Commission.
3. Commission of Fine Arts.
4. Committee on Purchases of Blind-Made Products.
5. Committee for Reciprocity Information.
6. Commodity Exchange Commission.
7. Export-Import Bank of Washington.
8. Federal Deposit Insurance Corporation.
9. Federal Mediation and Conciliation Service.
10. Federal Reserve System.
11. Federal Trade Commission.
12. Housing and Home Finance Agency.
13. Indian Claims Commission.
14. Interstate Commerce Commission.
15. Missouri Basin Survey Commission.
16. National Capital Housing Authority.
17. National Capital Park and Planning Commission.
18. National Forest Reservation Commission.
19. National Labor Relations Board.
20. National Mediation Board.
21. Railroad Retirement Board.
22. Securities and Exchange Commission.
23. Selective Service System.
24. Smithsonian Institution.
25. United States Tariff Commission.
26. Veterans Administration.
27. Veterans Education Appeals Board.
28. War Claims Commission.

B. *Original Classification Authority Limited to Head of Agency:*

1. Civil Aeronautics Board.
2. Defense Transport Administration.
3. Department of Agriculture.
4. Department of Health, Education and Welfare.
5. Department of the Interior.
6. Department of Labor.
7. Federal Communications Commission.
8. Federal Power Commission.
9. National Science Foundation.
10. National Security Training Commission.
11. Panama Canal Company.
12. Post Office Department.
13. Reconstruction Finance Corporation.
14. Renegotiation Board.
15. Small Business Administration.
16. Subversive Activities Control Board.
17. Tennessee Valley Authority.

C. *Heads of departments and agencies not named herein shall limit the exercise of classification authority in accordance with section 2(c) of the order.*

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 5, 1953.

[F.R. Doc. 59-4019; Filed, May 8, 1959; 2:35 p.m.]

Executive Order 10817

THE HONORABLE DONALD A. QUARLES

As a mark of respect to the memory of The Honorable Donald A. Quarles, late Deputy Secretary of Defense, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 8, 1959.

[F.R. Doc. 59-4020; Filed, May 8, 1959; 2:35 p.m.]

Executive Order 10818

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by sections 55(a), 508, and 729(a) of the Internal Revenue Code of 1939 (53 Stat. 29, 111; 54 Stat. 989, 1008; 26 U.S.C. 55 (a), 508, and 729(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1945 to 1959, inclusive, shall, during the Eighty-sixth Congress, be open to inspection by the Committee on Government Operations, House of Representatives, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government, such inspection to be in accordance and compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 8, 1959.

[F.R. Doc. 59-4041; Filed, May 11, 1959; 9:40 a.m.]

Executive Order 10819

AMENDMENT OF EXECUTIVE ORDER NO. 10480,[1] AS AMENDED, RELATING TO THE DEFENSE MOBILIZATION PROGRAM

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and as President of the United States, it is ordered that Executive Order No. 10480 of August 14, 1953, entitled "Further Providing for the Administration of the Defense Mobilization Program," as amended, be, and it is hereby, further amended by substituting for section 301 thereof, as amended by Executive Order No. 10574 of November 5, 1954, a new section 301 reading as follows:

"SEC. 301. The Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, the Department of Commerce, the Department of the Interior, the Department of Agriculture, the General Services Administration, and the National Aeronautics and Space Administration, in this Part referred to as guaranteeing agencies, each officer having functions delegated to him pursuant to section 201(a) of this order, and each other agency of the Government having mobilization functions, shall, within areas of production designated by the Director of the Office of Civil and Defense Mobilization, develop and promote measures for the expansion of productive capacity and of production and supply of materials and facilities necessary for the national defense."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 8, 1959.

[F.R. Doc. 59-4040; Filed, May 11, 1959; 9:40 a.m.]

[1] 18 F.R. 4939; 3 CFR, 1949-1953 Comp., p. 962.

RULES AND REGULATIONS

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

Reemployment Priority

1. Section 20.7 is amended as follows:

a. Paragraph (b) is redesignated as (c) and amended, and the present paragraph (c) is redesignated as (d). As revised, paragraphs (c) and (d) read as follows:

§ 20.7 Reemployment priority.

* * * * *

(c) *Restriction in filling positions.* No position in the competitive service, for which there is a qualified person available on the reemployment priority list, may be filled by the transfer of an employee of a different agency, or by the new appointment of any person except a qualified ten-point preference eligible. Furthermore, no such position may be filled by the reemployment of a person who is not on the reemployment priority list, unless such person is a preference eligible or unless such person is restored under Part 35 of this chapter. These restrictions shall not apply if all qualified persons on the reemployment priority list decline, or fail to respond to, offers of reemployment to the position. In selections for reemployment from such priority lists, tenure Group I employees shall be preferred to tenure Group II employees and qualified preference eligibles shall have preference within their respective tenure groups. An exception to these provisions may be made only when necessary to obtain an employee for necessary duties which cannot be taken over, without undue interruption to the activity, by any person on the reemployment priority list or with greater preference on such list. In such cases, each person adversely affected by the exception must be notified of the reasons, and of his right to appeal to the Commission for a review of such reasons.

(d) *Appeals.* Any former employee who feels that there has been a violation of his reemployment priority benefits under the foregoing provisions may appeal to the Commission by presenting factual information that he was improperly denied reemployment as the result of the employment of another person.

b. Effective June 11, 1959, paragraph (a) is amended and a new paragraph (b) is added as set out below.

(a) *Reemployment priority list.* Each agency shall establish and maintain a reemployment priority list for each commuting area from which career or career-conditional employees have been separated in reductions in force, from competitive positions on the basis of notices as provided in § 20.6. Each of these employees shall have his name entered upon the reemployment priority list for all competitive positions in the commuting area for which he is qualified and available, except as provided in paragraph (b) of this section. The name of a career employee shall be continued on such list for a period of two (2) years, and the name of a career-conditional employee for one (1) year, from the date of separation. His name may be deleted from such list upon his signed written request, upon his acceptance of a nontemporary position in any Federal agency, or if he declines reemployment to a nontemporary position in the competitive service equivalent in grade and salary to the position from which separated by reduction in force.

(b) *Employees separated from positions overseas or in Alaska.* A career or career-conditional employee separated from a competitive position overseas or in Alaska shall have his name entered on the reemployment priority list for the area in which the position is located only if the employee remains in that area after separation. An employee who leaves the area may, upon request, have his name entered on the agency's reemployment priority list for the commuting area from which he was employed for overseas or Alaskan service, or for another area (except an area overseas or in Alaska) mutually acceptable to the employee and to the agency. An employee's name may be deleted from the list for one of the reasons given in subparagraph (a) of this section and shall be deleted from a list for an overseas or Alaskan area when he leaves the area covered by that list.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U.S.C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-3976; Filed, May 11, 1959; 8:47 a.m.]

PART 26—EMPLOYMENT WITH PUBLIC INTERNATIONAL ORGANIZATIONS

Part 26 is revised and amended to read as follows:

Subpart A—Detail and Transfer of Federal Employees to Public International Organizations

GENERAL PROVISIONS

EMPLOYMENT BY DETAIL

EMPLOYMENT BY TRANSFER

REEMPLOYMENT RIGHTS

Subpart B—Employment of Presidential Appointees and Elected Officers by the International Atomic Energy Agency

AUTHORITY: §§ 26.101 to 26.205 issued under sec. 5, Pub. Law 85-795, E.O. 10804, 24 F.R. 1147.

Subpart A—Detail and Transfer of Federal Employees to Public International Organizations

GENERAL PROVISIONS

§ 26.101 Purpose.

The purpose of the regulations in this subpart is to carry into effect the objective of the Federal Employees International Organization Service Act (Pub. Law 85-795, approved August 28, 1958), which is to encourage and authorize details and transfers of Federal employees for service with international organizations.

§ 26.102 Definitions.

For the purpose of this subpart, the term:

(a) "Act" means the Federal Employees International Organization Service Act.

(b) "Agency" means any "Federal agency," as defined in section 2 of the Act.

(c) "Commission" means the United States Civil Service Commission.

(d) "Term of employment" means not more than (1) three consecutive years of employment, or (2) the period of less than three years specified at the time of consent to transfer, beginning with entrance on duty in the international organization.

§ 26.103 Effective date of regulations.

The regulations in this part are effective August 28, 1958, and as of that date revoke and supersede the regulations of this part in effect immediately prior thereto. However, such revocation shall not adversely affect any rights and benefits which were vested in an employee by the former regulations prior to their revocation.

§ 26.104 Election procedures.

(a) *Initial agency action.* Within ninety days from May 12, 1959, each agency which has employees who may be entitled to make the election described in section 6 of the Act shall:

(1) Make a decision in each case as to whether the agency consents to the employee having the coverage provided by section 6 of the Act; and,

(2) In each case in which the agency consents to the coverage provided by section 6, inform the employee concerned of

this decision and of his right to elect to have such coverage.

(b) *Effecting election decisions.* In all cases in which the employee elects to have the coverage provided by the Act, the agency concerned shall take prompt action to afford the employee the benefits of such coverage.

§ 26.105 Organizations to which regulations apply.

Employees may be detailed or transferred without prior approval of the Civil Service Commission to any organization which the Commission has listed in an appropriate chapter of the Federal Personnel Manual as an international organization within the meaning of that term as defined in section 2 of the Act. If the agency proposes to authorize the detail or transfer of an employee to any other public international organization or international-organization preparatory commission with the rights and benefits provided in this subpart, prior approval of the Commission shall be obtained.

EMPLOYMENT BY DETAIL

§ 26.106 Eligibility for detail.

All employees, as defined in section 2 of the Act, are eligible to be detailed to public international organizations with the rights provided for in, and in accordance with, the Act and the regulations in this subpart.

§ 26.107 Length of details.

No single detail may exceed three years. Similarly, all time spent on any series of successive details shall be considered in the aggregate and not allowed to exceed a total of three years. As used in this section, "successive details" are those details of a Federal employee to an international organization which follow one another within less than thirty calendar days.

EMPLOYMENT BY TRANSFER

§ 26.108 Eligibility for transfer.

All employees, as defined in section 2 of the Act, are eligible for transfer to public international organizations with the rights provided for in, and in accordance with, the Act and the regulations in this subpart except the following:

(a) All Presidential appointees (other than Postmasters), regardless of whether such appointments were made by and with the advice and consent of the Senate;

(b) Persons serving in the executive branch in confidential or policy-determining positions excepted from the competitive service under Schedule C of Part 6 of this chapter (Commission's regulations);

(c) Persons serving under a temporary appointment pending establishment of a register;

(d) Persons serving under appointments specifically limited to one year or less; and

(e) Persons serving on a seasonal, intermittent or part-time basis.

§ 26.109 Effecting employment by transfer.

(a) *Authority to approve transfer.* Upon written request by an international organization for the services of an employee, the agency may authorize the transfer of the employee to the organization for any period not to exceed three years. Refusal to authorize such a transfer is not reviewable by or appealable to the Commission.

(b) *Letter of consent.* Where the agency agrees to the transfer of an employee with the benefits provided in this subpart, such consent shall be given in writing to the international organization and the employee furnished with a copy.

(c) *Effective date.* The effective date of the transfer shall be established by mutual agreement between the agency and the organization.

(d) *Recording requirement.* A statement of the Leave Account of an employee shall be furnished him upon separation for transfer. In addition, the personnel action form effecting the employee's separation for transfer shall identify the public international organization to which he transfers and shall show clearly the period during which he has reemployment rights in the agency under Public Law 85–795 and the legal and regulatory conditions for his reemployment.

§ 26.110 Retirement and insurance.

(a) *Agency and employee action.* At the time of consent to an employee's transfer, the agency shall notify the employee in writing that he will retain coverage with resulting rights and benefits under the retirement and insurance systems only if (1) employee payments made by him and (2) agency contributions made by him, by the agency or by the international organization are currently deposited in the respective funds. The written notice shall state whether the agency contributions will be paid by the agency. The employee shall in writing acknowledge receipt of notice and state whether he wishes to retain his Federal retirement and/or life insurance by continuing all required payments.

(b) *Agency responsibility.* Except that it shall not be mandatory that the agency continue to use its appropriations to make agency retirement and insurance contributions for the employee during his absence, each transferred employee shall, for retirement and insurance purposes, be considered to remain an employee of the agency from which transferred. Accordingly, the agency shall be responsible for determining the applicable rate of compensation in accordance with the provisions of section 4(c) of the Act, and for collecting, accounting for, and depositing in the respective funds all retirement and insurance employee payments and agency contributions required to be made for the purpose of protecting the rights of the employee so transferred. This responsibility includes furnishing the employee and/or the international organization, when appropriate, with specific information as to how, when and where such payments and contributions should be submitted.

(c) *Coverage.* Employee payments and agency contributions shall be considered as currently deposited if received by the agency prior to, during, or within one month after the end of the pay period covered thereby. Failure to currently deposit such payments and contributions shall terminate a transferred employee's retirement and insurance coverage on the last day of the pay period for which payments and contributions were currently deposited, subject to a 31-day extension of life insurance coverage provided in § 37.5(c) of this chapter and to the conversion benefit provided in § 37.5(g) of this chapter (Group Life Insurance Regulations). Coverage so terminated may not attach again until the employee actually enters on duty or his first day in a pay status in an agency. However, terminated Civil Service Retirement Act and Life Insurance Act coverage will be reinstated retroactively when, in the judgment of the Commission, the failure to make the required current deposit was due to circumstances beyond the control of the employee and the required payments and contributions were deposited at the first opportunity; and coverage under any other retirement system shall be reinstated retroactively if the agency which administers the retirement system determines that the failure to make the required current deposit was due to circumstances beyond the control of the employee and the required payments and contributions were deposited at the first opportunity.

REEMPLOYMENT RIGHTS

§ 26.111 Reemployment.

A transferred employee (except a Congressional employee) is entitled to be reemployed in his former position or one of like seniority, status, and pay within thirty days of his application for reemployment if he meets the following conditions:

(a) He is separated, either voluntarily or involuntarily, within his term of employment; and

(b) He makes application for reemployment to his former agency or its successor not later than ninety days after his separation.

§ 26.112 When to apply.

An employee may make application for reemployment either before or after separation by the international agency. If he makes application before separation, the thirty-day period prescribed in § 26.111 begins either with the date of the application or thirty days before the employee's date of separation, whichever is later.

§ 26.113 Failure to reemploy and right of appeal.

(a) Should an agency fail to reemploy an employee within thirty days of his application, it shall notify him in writing of the reasons and of his right to appeal within ten days to the U.S. Civil Service Commission, Washington 25, D.C. The

employee may file his appeal with the Commission not later than ten days after receipt of notice denying reemployment. This time limit may be extended, in the discretion of the Commission, upon a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of the limit or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(b) If, within thirty days from his agency's receipt of an employee's application for reemployment, the agency fails to reach and issue a decision to the employee on such application, the employee may thereafter appeal to the Commission within a reasonable time from the agency's failure to effect his reemployment.

(c) An appeal alleging that the agency has failed to comply with any of the other provisions of the Act or of this Subpart A must be submitted to the Commission within a reasonable time after the alleged violation occurred.

(d) The Commission's decision on appeal is final and the agency shall effect the action finally ordered by the Commission. Decisions favorable to the appellant may be made retroactively effective to the expiration of the agency's thirty day time limit for effecting restoration.

(e) A proper appeal filed prior to the death of an appellant shall be processed to completion and adjudicated. As necessary, a recommendation for corrective action in such an appeal may provide for amendment of the agency's records to show retroactive restoration and continuance on the rolls to the date of death.

Subpart B—Employment of Presidential Appointees and Elected Officers by the International Atomic Energy Agency

§ 26.201 Purpose.

The purpose of the regulations in this subpart is to implement section 6(b) of the International Atomic Energy Agency Participation Act of 1957 (Pub. Law 85–177, 71 Stat. 453) and Executive Order 10774 of July 25, 1958, as amended by Executive Order 10804 of February 12, 1959, to protect the civil service rights and privileges, wherever appropriate, of Presidential appointees and elected officers who leave their positions and within ninety days enter employment with the International Atomic Energy Agency.

§ 26.202 Coverage.

The regulations in this subpart apply to all officers, as defined in § 26.203(e), of any branch of the Federal Government.

§ 26.203 Definitions.

As used in this subpart, the term:

(a) "Act" means the International Atomic Energy Agency Participation Act of 1957 (Pub. Law 85–177, 71 Stat. 453).

(b) "Agency" means the International Atomic Energy Agency.

(c) "Commission" means the United States Civil Service Commission.

(d) "Life Insurance Act" means the Federal Employees' Group Life Insurance Act of 1954, as amended.

(e) "Officer" means any Presidential appointee or elected officer who leaves his position after August 27, 1957, and within ninety days enters employment with the agency.

(f) "Retirement Act" means the Civil Service Retirement Act, approved July 31, 1956, as amended.

(g) "Term of employment" means not more than three consecutive years of employment beginning with entrance on duty in the agency.

§ 26.204 Retirement and insurance.

(a) *Coverage.* (1) To obtain retirement benefits for a term of employment with the agency, an officer covered by the Retirement Act shall, within ninety days after the date he is separated from the agency, pay to the Commission all necessary employee deductions and agency contributions for coverage under the Retirement Act for his term of employment with the agency. Interest shall not be charged an officer on any payment of necessary employee deductions and agency contributions. The amount of the employee deductions so paid shall be added to the officer's lump-sum credit in the civil service retirement and disability fund.

(2) To retain coverage under the Life Insurance Act during his term of employment with the agency, an officer covered by the Life Insurance Act shall currently pay employee deductions and agency contributions necessary for coverage under the Life Insurance Act for his term of employment with the agency. Collections may be made under procedures which may be determined in accordance with written agreements reached between accounting representatives of the Commission and the agency.

(3) All retirement and insurance benefits and obligations shall be computed in the same manner as if the rate of basic compensation the officer was receiving on the last day he was in his Federal position prior to reemployment with the agency had continued without change.

(4) An officer not covered by either the Retirement Act or Life Insurance Act in the Federal position which he last held or from which he separates to enter employment with the agency shall not acquire such coverage or benefits based on employment with the agency.

(b) *Death coverage.* An officer who dies during his term of employment or within ninety days of his separation therefrom shall be deemed to have died in the Federal service.

§ 26.205 Resumption of Federal service.

(a) *Pay increase.* An officer who is reemployed in the Federal position which he left or one of like seniority, status, and pay within ninety days of his separation from the agency following a term of employment is entitled to the rate of basic compensation to which he would have been entitled had he remained in the Federal service.

(b) *Sick leave account.* An officer shall have any sick leave account which he may have had in his last Federal position reestablished for credit or charge, provided he returns to an appropriate leave system within 52 calendar weeks after the date he is separated from his term of employment with the agency.

(c) *Service credit for agency employment.* An officer who is reemployed in the Federal service within ninety days after completion of his term of employment with the agency shall be given credit as Federal service for his term of employment with the agency. However, service credit shall not be given for Retirement Act purposes if the officer fails to comply with the requirements of § 26.204(a)(1).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-3977; Filed, May 11, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Peas [1]

A notice of proposed rule making with respect to proposed revisions of the United States Standards for Grades of Frozen Peas was published in the FEDERAL REGISTER on May 1, 1957 (22 F.R. 3072). In view of data submitted with respect to the proposed revisions, a subsequent notice of rule making was published in the FEDERAL REGISTER on June 3, 1958 (22 F.R. 3815).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notices, the following United States Standards for Grades of Frozen Peas are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

PRODUCT DESCRIPTION AND GRADES

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable state laws and regulations.

SCORE SHEET

Sec.
52.3520 Score sheet for frozen peas.

AUTHORITY: §§ 52.3511 to 52.3520 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.3511 Product description.

"Frozen peas" means the frozen product prepared from the clean, sound, succulent seed of the common garden pea (Pisum sativum) by shelling, washing, blanching, sorting, proper draining, and is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.3512 Grades of frozen peas.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen peas that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that are tender; and for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided,* That the frozen peas may possess a reasonably good color, scoring not less than 17 points and may be only reasonably free from defects with respect to pieces of peas if the total score is not less than 90 points.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen peas that possess similar varietal characteristics; that possess a fairly good flavor; that passess a reasonably good color; that are reasonably free from defects; that are reasonably tender; and for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided,* That the frozen peas may possess a fairly good color and may be fairly free from defects with respect to pieces of peas if the total score is not less than 80 points.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of frozen peas that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good color; that are fairly free from defects; that are fairly tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided,* That the frozen peas may fail to meet the requirements of this paragraph for defects with respect to pieces of peas if the total score is not less than 70 points.

(d) "Substandard" is the quality of frozen peas that fail to meet the requirements of U.S. Grade C.

FACTORS OF QUALITY

§ 52.3513 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	*Points*
Color	20
Defects	40
Tenderness and maturity	40
Total Score	100

(b) *Evaluation of quality.* Flavor and the factor of tenderness and maturity is determined after the product has reached room temperature and after cooking. The rating for the factors of color and defects and the evaluation of similar varietal characteristics are determined immediately after the product has reached room temperature or may be determined immediately after thawing so that the product is free from ice crystals.

(c) *Definitions of requirements not rated by score points.* (1) "Good flavor" means that the product has a good characteristic flavor and odor for the maturity and is free from objectionable flavors and objectionable odors of any kind.

(2) "Fairly good flavor" means that the product may be lacking in good flavor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.3514 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "36 to 40 points" means 36, 37, 38, 39, or 40 points.)

§ 52.3515 Color.

(a) (*A*) *Classification.* Frozen peas that possess a good color may be given a score of 18 to 20 points. "Good color" means that the frozen peas possess a bright, practically uniform, good, green color that is typical for the variety; that peas which vary markedly from such typical green color do not more than slightly affect the overall color appearance; and that not more than one-half of 1 percent, by count, of the peas may be blond, cream colored, or seriously detract from the overall color appearance.

(b) (*B*) *classification.* If the frozen peas possess a reasonably good color, a score of 16 or 17 points may be given. Frozen peas that score 16 points in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the frozen peas possess a reasonably bright and reasonably uniform green color typical for the variety; that peas which very markedly from such typical green color do not materially affect the overall color appearance; and that not more than 1½ percent, by count, of the peas may be blond, cream colored, or seriously detract from the overall color appearance.

(c) (*C*) *Classification.* Frozen peas that possess a fairly good color may be given a score of 14 or 15 points. Frozen peas that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means that the frozen peas possess a fairly uniform green color typical for the variety, which may be dull but not off color; that peas which vary markedly from such typical green color do not seriously affect the overall color appearance; and that not more than 2 percent, by count, of all the peas may be blond, cream colored, or seriously detract from the overall color appearance.

(d) (*SStd.*) *classification.* Frozen peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3516 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material pieces of peas, blemished peas, seriously blemished peas, and other defects which affect the appearance or eating quality of the product.

(b) *Definition of defects.* (1) "Harmless extraneous vegetable material" means:

(i) *Group 1; flat material.* Succulent vegetable material common to the pea plant, such as leaves and pea pods;

(ii) *Group 2; spherical material.* Non-deleterious or non-poisonous types of nightshade berries, thistle buds, or other similar spherical vegetable material from other plants similar in color to frozen peas;

(iii) *Group 3; cylindrical material.* Cylindrical vegetable material, such as stems, common to the pea plant or from other plants which are similar in color to frozen peas.

(2) "Pieces of pea" (broken pea) means: (i) A whole pea from which a cotyledon or a large portion thereof has become separated;

(ii) Two detached whole cotyledons;

(iii) Pieces of cotyledon aggregating the equivalent of an average size cotyledon;

(iv) A whole detached skin or portions of detached skin aggregating the equivalent of an average size whole skin.

(3) "Blemished pea" means a pea that is blemished by discoloration or by other means that does not materially affect the appearance or eating quality of the pea.

(4) "Seriously blemished pea" means a pea that is hard, shriveled, spotted, discolored, or otherwise blemished to an extent that the appearance or eating quality is seriously affected. Peas commonly referred to as "blond" or "cream colored" peas are not considered seriously blemished peas.

(c) *Determination of allowances—*(1) *Determining percent, by count, of pieces of peas.* (i) The percent, by count, of pieces of peas is determined by dividing the total number of pieces of peas by the total number of peas and pieces of peas.

(ii) A pea held together by its skin, even though the cotyledons are partly crushed or the skin split, is not considered as a broken pea or piece of pea.

(2) *Harmless extraneous vegetable material.* (i) The allowances for harmless extraneous vegetable material are based on 30 ounces of frozen peas. When considering sample units of less than 30 ounces, the allowances provided in this section for the respective grade classification will be permitted in a single sample unit: *Provided,* That the average of such defects in the entire sample does not exceed such allowance.

(d) (*A*) *classification.* Frozen peas that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that: (See Table I of this subpart)

(1) For each 30 ounces of net weight there may be present not more than the following amounts of harmless extraneous vegetable material:

(i) Group 1; flat material, pieces having an aggregate area of not more than ¼ square inch (equivalent to ½ inch x ½ inch) on the surface; or 1 piece of any size; or

(ii) Group 2; spherical material, 1 unit; or

(iii) Group 3; cylindrical material, a piece or pieces which singly or in the aggregate do not exceed ½ inch in length.

(2) Not more than 7 percent, by count, of the peas may be pieces of peas;

(3) Not more than 2 percent, by count, of the peas may be blemished including not more than one-half of 1 percent, by count, of all the peas that may be seriously blemished;

(4) The presence of harmless extraneous vegetable material, pieces of peas, blemished peas, seriously blemished peas, and other defects individually or collectively, does not more than slightly affect the appearance or eating quality of the product.

(e) (*B*) *classification.* Frozen peas that are reasonably free from defects may be given a score of 32 to 35 points. Frozen peas that fall into this classification, except for pieces of peas, shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably free from defects" means that: (see Table I of this subpart)

(1) For each 30 ounces of net weight there may be present not more than the following amounts of harmless extraneous vegetable material:

(i) When present as a single group:

(*a*) Group 1; flat material, pieces having an aggregate area of not more than ½ square inch (equivalent to ½ inch x 1 inch) on the surface; or 1 piece of any size; or

(*b*) Group 2; spherical material, 2 units; or

(*c*) Group 3; cylindrical material, a piece or pieces which singly or in the aggregate do not exceed 1 inch in length.

(ii) When present in combination, not more than 2 of any of the following groups:

(*a*) Group 1; flat material, pieces having an aggregate area of not more than ¼ square inch (equivalent to ½ inch x ½ inch) on the surface; or 1 piece of any size;

(*b*) Group 2; spherical material, 1 unit;

(*c*) Group 3; cylindrical material, a piece or pieces which singly or in the aggregate do not exceed ½ inch in length.

(2) Not more than 10 percent, by count, of the peas may be pieces of peas;

(3) Not more than 4 percent, by count, of the peas may be blemished including not more than 1 percent, by count, of all the peas that may be seriously blemished:

(4) The presence of harmless extraneous vegetable material, pieces of peas, blemished peas, seriously blemished peas, and other defects, individually or collectively, does not materially affect the appearance or eating quality of the product.

(f) (*C*) *classification.* Frozen peas that are fairly free from defects may be given a score of 28 to 31 points. Frozen peas that fall into this classification, except for pieces of peas, shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a partial limiting rule). "Fairly free from defects" means that: (see Table I of this subpart)

(1) For each 30 ounces of net weight there may be present not more than the following amounts of harmless extraneous vegetable material:

(i) When present as a single group:

(*a*) Group 1; flat material, pieces having an aggregate area of not more than 1 square inch (equivalent to 1 inch x 1 inch) on the surface; or 1 piece of any size; or

(*b*) Group 2; spherical material, 3 units; or

(*c*) Group 3; cylindrical material, a piece or pieces which singly or in the aggregate do not exceed 2 inches in length.

(ii) When present in combination, not more than 2 of any of the following groups:

(*a*) Group 1; flat material, pieces having an aggregate area of not more than ½ square inch (equivalent to ½ inch x 1 inch) on the surface; or 1 piece of any size;

(*b*) Group 2; spherical material, 2 units;

(*c*) Group 3; cylindrical material, a piece or pieces which singly or in the aggregate do not exceed 1 inch in length.

(2) Not more than 15 percent, by count, of the peas may be pieces of peas;

(3) Not more than 6 percent, by count, of the peas may be blemished including not more than 3 percent, by count, of all the peas that may be seriously blemished;

(4) The presence of harmless extraneous vegetable material, pieces of peas, blemished peas, seriously blemished peas, and other defects, individually or collectively, does not seriously affect the appearance or eating quality of the product.

(g) (*SStd.*) *classification.* Frozen peas that fail to meet the requirements of paragraph (f) of this section may be given a score of 0 to 27 points. Frozen peas that fall into this classification, except for pieces of peas that exceed 15 percent, by count, but do not exceed 20 percent, by count, shall not be graded above Substandard, regardless of the total score for the product (this is a partial limiting rule).

TABLE I—SUMMARY OF MAXIMUM ALLOWANCES FOR DEFECTS

Kind of defect	Grade classification				
	Grade A	Grade B		Grade C	
		When present as single group	Combination of any 2	When present as single group	Combination of any 2
Harmless extraneous vegetable material (for each 30 ozs.):					
Group 1—Flat material	¼ square inch or 1 piece of any size.	½ square inch or 1 piece of any size.	¼ square inch or 1 piece of any size.	1 square inch or 1 piece of any size.	½ square inch or 1 piece of any size.
	or	or	or	or	or
Group 2—Spherical material	1 unit	2 units	1 unit	3 units	2 units.
	or	or	or	or	or
Group 3—Cylindrical material	1 piece or pieces not exceeding ½ in. aggregate.	1 piece or pieces not exceeding 1 in. aggregate.	1 piece or pieces not exceeding ½ in. aggregate.	1 piece or pieces not exceeding 2 in. aggregate.	1 piece or pieces not exceeding 1 in. aggregate.
Pieces of peas	7 percent [1] by count	10 percent [1] by count		15 percent [1] by count.	
Blemished peas	2 percent by count	4 percent by count		6 percent by count.	
	which includes	which includes		which includes	
Seriously blemished peas	½ percent by count	1 percent by count		3 percent by count.	

[1] Limiting rule does not apply.

§ 52.3517 Tenderness and maturity.

(a) *General.* The factor of tenderness and maturity refers to the degree of maturity of frozen peas as determined on the basis of the brine flotation test set forth in § 52.3518 by first removing the skins from the peas, and as reflected in the tenderness determined on the cooked product.

(b) (*A*) *classification.* Frozen peas that are tender may be given a score of 36 to 40 points. "Tender" means that the peas are in such a stage of maturity that not more than 10 percent, by count, of the peas may sink in a solution containing 13 percent, by weight, of salt (See Table II of this subpart); and that the frozen peas after cooking are very tender upon eating.

(c) (*B*) *classification.* Frozen peas that are reasonably tender may be given a score of 32 to 35 points. Frozen peas that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the peas are in such a stage of maturity that not more than 12 percent, by count, of the peas may sink in a solution containing 15 percent, by weight, of salt (See Table II of this subpart); and that the frozen peas after cooking are reasonably tender upon eating.

(d) (*C*) *classification.* Frozen peas that are fairly tender may be given a score of 28 to 31 points. Frozen peas that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means that the peas are in such a stage of maturity that not more than 16 percent, by count, of the peas may sink in a solution containing 16 percent, by weight, of salt (see Table II of this subpart); and that the frozen peas after cooking are fairly tender upon eating.

(e) (*SStd.*) *classification.* Frozen peas that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE II—SUMMARY OF MAXIMUM ALLOWANCES FOR THE BRINE FLOTATION TEST

Grade classification	Score range	Maximum number of peas (skins removed) that sink in 10 seconds	Salt in solution
			Percent
Grade A	36 to 40	10 percent by count.	13
Grade B	32 to 35	12 percent by count.	15
Grade C	28 to 31	16 percent by count.	16

METHODS OF ANALYSES

§ 52.3518 Brine flotation test.

(a) *Explanation.* The brine flotation test utilizes salt solutions of various specific gravities to separate the peas according to maturity. The brine solutions are based on the percentage by weight of pure salt (NaCl) in solution at 20 degrees C. In making the test the brine solutions are standardized to the proper specific gravity equivalent to the specified "percent of salt solutions at 20 degrees C." by using a salometer spindle accurately calibrated at 20 degrees C. A 250 ml. glass beaker or similar receptacle is filled with the brine solution to a depth of approximately 2 inches. The brine solution and sample must be at the same temperature and should closely approximate 20 degrees C.

(b) *Procedure.* After carefully removing the skins from the peas, place the peas into the solution. Pieces of peas and loose skins should not be used in making the brine flotation test. If cotyledons divide, use both cotyledons in the test and consider the 2 separated cotyledons as 1 pea; and, if an odd cotyledon sinks, consider it as one pea. Only peas that sink to the bottom of the receptacle within 10 seconds after immersion are counted as "peas that sink".

LOT INSPECTION AND CERTIFICATION

§ 52.3519 Ascertaining the grade of a lot.

The grade of a lot of frozen peas covered by these standards is determined by the procedures set forth in the regulations governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87 of this title).

SCORE SHEET

§ 52.3520 Score sheet for frozen peas.

Size and kind of container		----
Container mark or identification		----
Label		----
Net weight (ounces)		----
Factors	**Score points**	
Color	20	(A) 18-20 (B) [2] 16-17 (C) [2] 14-15 (SStd.) [1] 0-13
Defects	40	(A) 36-40 (B) [2] 32-35 (C) [2] 28-31 (SStd.) [2] 0-27
Tenderness and maturity	40	(A) 36-40 (B) [1] 32-35 (C) [1] 28-31 (SStd.) [1] 0-27
Total Score	100	
Flavor ( ) Good ( ) Fairly good ( ) Off		----
Varietal characteristics ( ) Similar ( ) Dissimilar		----
Grade		----

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

It is hereby found that good cause exists for not postponing the effective date of this revision beyond that therein specified (5 U.S.C. 1003(c)) in that:

(1) The 1959 processing season for frozen peas is imminent and it is necessary for purposes of inspection and marketing that these revised standards be made effective at the beginning of the processing season; (2) changes made were based upon data and comments from the industry and found to be in the best interest of the industry as well as the consumer; and (3) the industry has been apprised of the changes and compliance therewith will not require any special preparation that cannot be completed by the effective time hereof.

The United States Standards for Grades of Frozen Peas (which is the sixth issue) contained in this subpart shall become effective fifteen days after the date of publication in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Frozen Peas which have been in effect since March 15, 1945.

Dated: May 7, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-3990: Filed, May 11, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Subpart—Rules and Regulations

REVISION

Notice was published in the FEDERAL REGISTER issue of April 22, 1959 (24 F.R. 3115), that the Department was giving consideration to a proposed revision of the rules and regulations (Subpart—Lemon Administrative Committee Rules and Regulations; 7 CFR 953.100 et seq.), currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was submitted by the Lemon Administrative Committee (established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof), it is hereby found that the revision, as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and the said rules and regulations (7 CFR 953.100 et seq.) are hereby revised to read as follows:

DEFINITIONS

§ 953.100 General.
§ 953.101 Marketing agreement.
§ 953.102 Order.
§ 953.103 Crop year.

STORAGE AWAY FROM PACKINGHOUSE

§ 953.107 Transportation of lemons to storage within the production area.

COMMUNICATIONS

§ 953.110 Communications.

NOMINATION PROCEDURE

§ 953.115 Time of nomination.
§ 953.116 Manner of nomination.

VOLUME REGULATION

§ 953.153 Prorate bases and allotments.

ALLOTMENT LOANS

Sec.
§ 953.159 Allotment loans.

SIZE REGULATION

§ 953.165 Exemption from size regulations.

REPORTS

§ 953.170 Reports.

LEMONS NOT SUBJECT TO REGULATION

§ 953.180 Lemons not subject to regulation.

AUTHORITY: §§ 953.100 to 953.180 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 953.100 General.

Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order (§§ 953.1 to 953.92).

§ 953.101 Marketing agreement.

"Marketing agreement" means Marketing Agreement No. 94, as amended, regulating the handling of lemons grown in California and Arizona.

§ 953.102 Order.

"Order" means Order No. 53, as amended (§§ 953.1 to 953.92) regulating the handling of lemons grown in California and Arizona.

§ 953.103 Crop year.

"Crop year" means (a) with respect to District 1, the period October 1 through the following April 30, and (b) with respect to District 3 the period September 1 through January 31.

STORAGE AWAY FROM PACKINGHOUSE

§ 953.107 Transportation of lemons to storage within the production area.

Any handler who stores lemons within the production area other than on the premises where the lemons were packed shall notify the committee in writing on LAC Form 8 of the transportation of such lemons to such storage. Such report shall show the location and name of the storage facility, and the quantity of lemons transported to such storage. Whenever any such stored lemons are thereafter handled, the LAC Form 8 for the week in which the handling occurred shall show each quantity and date of shipment from the storage facilities.

COMMUNICATIONS

§ 953.110 Communications.

Unless otherwise prescribed in this subpart, or in the marketing agreement and order, or required by the Lemon Administrative Committee, all reports, applications, requests and communications in connection with the marketing agreement and order shall be submitted to:

Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, Calif.

NOMINATION PROCEDURE

§ 953.115 Time of nomination.

The time of nominating members and alternate members of the Lemon Administrative Committee shall be not later than 20 days preceding the date of expiration of the terms of office of the members and alternate members of the committee.

§ 953.116 Manner of nomination.

The manner of nominating members and alternate members of the committee shall be as follows:

(a) Sunkist Growers, Inc., a California non-profit cooperative marketing association with its principal place of business at Los Angeles, California, so long as it continues to market more than 60 percent of the total volume of lemons marketed as provided in the marketing agreement and order, shall by resolution adopted by its board of directors, nominate 4 grower members and 4 alternate grower members of the committee, and 2 handler members and 2 alternate handler members of the committee.

(b) Each cooperative marketing organization, other than the one described in paragraph (a) of this section, shall nominate by resolution adopted by its board of directors 2 grower members and 2 alternate grower members of the committee, and 1 handler member and 1 alternate handler member of the committee. Each nominee shall be assigned a vote equal to the volume (in terms of cartons) of lemons which the organization making the nomination handled during the current fiscal year to the end of the month preceding the month in which such nominations are made. The nominated members and alternate members so receiving the largest total votes shall be the respective nominees for the particular positions.

(c) Not less than 5 meetings shall be held, at such times and places throughout the lemon producing districts of the production area as may be designated by the agent of the Secretary, at which growers who are not affiliated with any of the organizations included in paragraphs (a) and (b) of this section may vote. Adequate notice of each such meeting shall be given by such agent. At each such meeting the growers present shall nominate 2 grower members, 2 alternate grower members, 1 handler member, and 1 alternate handler member. Each grower voting at any such meeting shall submit his name and address to the agent of the Secretary. The nominated members and alternate members receiving the highest total number of votes cast at all meetings for the respective positions in the final balloting of each of such meetings shall be the nominees for such positions.

VOLUME REGULATION

§ 953.153 Prorate bases and allotments.

(a) *Application.* Each handler who has lemons available for current shipment and who desires to handle such lemons shall submit to the Lemon Administrative Committee, at such time as the committee designates, an application on LAC Form 101 for a prorate base and allotment. Each such application shall contain the following information:

(1) Name and address of applicant.

(2) Net cubical content of each box or other container used by the applicant for the picking of lemons.

(3) The net cubical content of each box or other container used by the applicant for the assembling or storage of lemons.

(4) The estimated production of lemons for the current season which the applicant owns or controls, and the total acreage of such lemons, including the number of trees.

(5) Location of each of the applicant's packinghouses and such other receiving points, as may be approved by the committee, to which the lemons are to be delivered to the applicant. With respect to lemons grown in District 1 or District 3, the handler shall submit with the application a list of all growers whose lemons the applicant controls, showing for each grower his name and address, and the location, number of trees, acreage, and estimated production in terms of cartons of each grove or portion thereof involved.

(b) *Computation of lemons available for current shipment in Districts 1 and 3.* The computation, by the committee, of the tree crop to be used during a particular crop year in District 1 or 3 shall be based, for the particular district, upon the lemon production data in each handler's application for a prorate base and allotment (LAC Form 101) and upon field checks made by the committee of the groves in which the lemons controlled by each such handler are grown. Control of lemons shall be determined as provided in §§ 953.53(c) and 953.153(d). Each such computation shall cover only the lemons produced during such crop year.

(c) *Computation of lemons available for current shipment in District 2.* Each computation, by the committee, of lemons available for current shipment in District 2 shall be based upon the total quantity of lemons grown and delivered in such district to each handler during the preceding 20-week period. Once any such lemons have been included in the computation of a handler's lemons available for current shipment, such lemons shall thereafter not be included in any computation of any other handler's lemons available for current shipment.

(1) *Determination by the committee of lemons delivered.* On Monday of each week, each handler in District 2 who has filed an application for a prorate base and allotment (LAC Form 101) shall make available to the committee through its designated employees a record of all lemons delivered to the applicant's packinghouse and approved receiving points during the preceding 7-day period ending at 12:01 a.m., Sunday.

(2) *Access to records and premises of handlers.* The committee, through its designated employees, shall have access at all reasonable hours to the records and premises of each handler in District 2 who has filed an application for a prorate base and allotment for the purpose of determining the accuracy of the records made available to the committee. Such records shall include, but not be limited to, individual grower tickets covering lemons delivered at the receiving door of the packinghouse or approved receiving points, the wash records, the record of lemons in storage, and the record of lemons handled for conversion into by-products, and otherwise disposed of.

(3) *Determination of carloads of lemons delivered during a 20-week period.* The carloads of lemons delivered to any handler during any 20-week period shall be determined by application of the ap-

propriate field box conversion factor to the total number of field boxes of lemons delivered to such handler during each week of the 20-week period. The appropriate field box conversion factor shall be computed pursuant to paragraph (c) (4) of this section.

(4) *Conversion factors*—(i) *Field box conversion factor.* The appropriate field box conversion factor that shall be applied each week of the initial 20-week period for a particular handler shall be computed by dividing the total number of field boxes of lemons delivered to such handler during such period by the total number of carloads of lemons delivered to such handler as determined by adding to the detailed inventory of lemons on hand on the date ending such period, the total number of carloads of lemons shipped in fresh fruit channels, handled for conversion into byproducts, and otherwise disposed of (except decayed lemons dumped) during such period and subtracting therefrom the detailed inventory of lemons on hand at the beginning of such period. Such computed field box conversion factor shall be the field box conversion factor to be applied each week thereafter until another detailed inventory of such handler's lemons is taken. At least once each 4 weeks, the committee's designated employees shall take a detailed inventory of the lemons each handler has on hand in his packinghouse, in approved storage, and at approved receiving points, and the committee shall compute the particular field box conversion factor that shall be applied each week of the inventory period following such detailed inventory, an inventory period being comprised of the number of weeks between two successive detailed inventories. Such factor shall be computed by dividing the total number of field boxes of lemons delivered to such handler during the immediately preceding inventory period by the number of carloads of lemons delivered to such handler during such period as determined by adding to the last detailed inventory of lemons on hand, the total number of carloads of lemons shipped in fresh fruit channels, handled for conversion into byproducts and otherwise disposed of (except decayed lemons dumped) during the same period, and subtracting therefrom the detailed inventory of lemons on hand at the beginning of such period. If the field box conversion factor so computed differs from the factor applied during the previous inventory period, the respective quantities of lemons delivered each week of such previous inventory period shall be adjusted to reflect such difference.

(ii) *Storage box.* In computing the quantity of lemons in terms of carloads, that a handler has on hand, the standard storage box having a capacity of 3,242 cubic inches and containing not less than 50 pounds net weight of lemons shall be converted to cartons of lemons on the basis that one such box equals 1.316 cartons of lemons. If the lemons are in boxes other than the standard storage box, the committee shall compute for such handler an appropriate storage box conversion factor based on the net weight of the lemons in the boxes. If at any time the committee determines that such storage or other boxes do not contain the requisite net weight of lemons, appropriate adjustments shall be made by the committee in such handler's storage box conversion factors to compensate for such difference.

(5) *Adjustment for substantial variation between two successive field box conversion factors.* If the field box conversion factor computed for any handler differs by more than 5 percent from the field box conversion factor applied to the lemons of such handler during the preceding inventory period, such handler's lemons available for current shipment shall be increased or decreased in the manner prescribed in paragraph (f) (1) of this section to the extent necessary to effect the required adjustment in such handler's prorate base.

(d) *Control of lemons in Districts 1 and 3.* In order to control lemons within the meaning of § 953.53(c), the applicant must have executed the requisite bona fide written agreement with a grower, which shall contain all of the basic requirements of a legal contract, including, but not being limited to, the requirements of this paragraph:

(1) The agreement shall be supported by legal consideration, such as mutual promises, which may be enforced by either party in an action at law.

(2) The agreement shall be certain as to its parties, the quantity of lemons involved, and the amount the applicant is to pay for the fruit. The agreement will be considered sufficiently definite (i) as to the quantity of fruit if it specifies all of the lemons of a described acreage, and (ii) as to the amount to be paid for the fruit if it specifies a definite amount, or a definite method of determining the amount, to be paid.

(3) The agreement shall have been entered into by both parties in good faith. The purpose of the agreement must be to give absolute control of the lemons to the applicant; and any such agreement which (i) has as its primary purpose the giving of a prorate base and allotment to the applicant, or (ii) is subject to some other written or oral agreement or understanding altering its terms, or (iii) is subject to an oral or written agreement or understanding that neither of the parties will enforce the agreement, or (iv) contains a statement which permits termination thereof without legal liability will be considered evidence of lack of good faith.

(4) The agreement shall give the applicant control of the lemons for such period of time as may be necessary to handle the lemons.

(e) *Loss of control of lemons.* If a handler loses control of lemons and has handled a quantity thereof less than the quantity that could have been handled under allotments issued thereon, such handler's lemons available for current shipment shall be adjusted by deducting therefrom a quantity of lemons equivalent to the quantity upon which allotments were issued, but which were not used thereon. The quantity so determined shall be deducted during a period of 3 consecutive weeks in District 1 and 2 consecutive weeks in District 3 (or during the remainder of the applicable crop year for a particular district if of shorter duration than the period designated for such district): *Provided,* That, insofar as practicable, such deduction for any week shall not exceed the amount which would decrease by one-half the allotment that otherwise would be issued to such person for such week in the absence of such deduction, and, if necessary to effect this requirement, the applicable period specified in this paragraph for making such deductions may be extended.

(f) *Adjustment of prorate bases.* (1) The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of three consecutive weeks in Districts 1 and 2, and during two consecutive weeks in District 3 (or during the remainder of the applicable crop year for Districts 1 and 3, or the remainder of the season for District 2, if of shorter duration than the period designated for the particular district): *Provided,* That, insofar as practicable, any required deduction for any weekly period shall not exceed the amount which would decrease by one-half the allotment that otherwise could be issued to such handler for such weekly period in absence of such deduction, and, if necessary to effect this requirement, the applicable period specified in this paragraph for making such deduction may be extended.

(2) When a handler in District 1 or 3 has moved all of the lemons under his control in such district and has received allotment sufficient to repay all loans of allotment received by him under the provisions of § 953.59, such handler shall receive no further allotment, unless, during the same crop year, he subsequently gains control of lemons, in the same district, which he desires to handle, and promptly submits a report thereon to the committee.

ALLOTMENT LOANS

§ 953.159 Allotment loans.

(a) *Payback of loans.* Each loan agreement entered into by handlers pursuant to § 953.59 must provide for repayment within one year of the date of the loan. Allotment loans shall be deemed repaid if such loans fall due in a week during which there is no limitation on lemon shipments in effect pursuant to § 953.52, for the particular district.

SIZE REGULATION

§ 953.165 Exemption from size regulations.

(a) *Application to be filed.* Each grower who desires to be exempted, pursuant to § 953.67, from the provisions of any size regulation established by the Secretary may file with the committee an application for one or more exemption certificates on LAC Form 200. Such application must, unless otherwise provided pursuant to paragraph (b) of this section, be furnished to the committee not later than the Friday preceding the week during which the grower desires the committee to take action thereon, and shall contain the following information: (1) Name and address of the applicant;

(2) location of the lemons which the grower wishes covered by the exemption certificates; (3) the estimated sizes of the lemons contained in the applicant's groves and percentages of the respective sizes; (4) the size tests or other facts upon which such estimates are based showing, with respect to the size tests, the number of lemons per tree tested and the total number of lemons tested per acre; (5) the quantity of lemons (in terms of cartons) which the applicant estimates will be needed to be exempted from size regulation to permit the applicant to handle, or have handled, a percentage of his lemons equal to the average percentage that may be handled on behalf of all growers in the same prorate district, as provided in § 953.67; and (6) the name of each packinghouse through which the applicant's lemons are to be handled.

(b) *Final dates for filing applications.* The committee may provide final dates for the filing of applications for exemptions from size regulations in each prorate district. Two weeks' notice shall be given to growers and handlers of the final date prescribed for each district.

(c) *Investigation by Field Department.* The committee shall refer such application to its Field Department for investigation. The Field Department shall make such checks as it determines are necessary to establish the accuracy of the information submitted in the application and the need of the applicant for an exemption certificate. The report of the Field Department shall be submitted to the committee for its consideration in connection with the issuance of an exemption certificate. If the committee determines that the information furnished by the applicant is inadequate, it may require the applicant to submit additional information, including additional size tests.

(d) *Determination by committtee.* Based upon all available information, the committee may authorize the manager of the committee to issue exemption certificates on LAC Form 201 to the applicant which will permit the applicant to have as large a proportion of his lemons handled as the average proportion of lemons that will be handled on behalf of all growers in the same prorate district. The initial exemption certificate issued pursuant to this section to any applicant may provide for exemption of not more than 75 percent of the applicant's estimated needs, and subsequent exemption certificates shall thereafter be issued to the extent required by the provisions of § 953.67.

(e) *Exemption certificate.* Upon authorization of the committee, the manager shall issue to growers who have applied therefor exemption certificates which shall contain the following information: (1) Name and address of grower-applicant to whom issued; (2) location of grove or groves; (3) the respective quantities of lemons of each size permitted to be handled without regard to the existing size regulation; and (4) the period covered by the exemption certificate. The exemption certificate shall be issued in quadruplicate, one copy to be retained by the committee and three copies to be issued to the grower. The grower shall endorse and deliver two copies to the handler who is to handle such lemons. Immediately upon shipping such lemons the handler shall sign and mail, or otherwise deliver, to the committee one copy of such certificate. An exemption certificate may be used only for the handling of lemons covered by the certificate. As required by § 953.67, all handling of such lemons shall be subject to, and limited by, allotment when volume regulation is in effect.

REPORTS

§ 953.170 Reports.

(a) Handlers shall submit to the Lemon Administrative Committee all required reports, including those prescribed in this section. Copies of report forms may be obtained from the committee. Unless otherwise specified in the particular report form, information with respect to volume of lemons shall be reported in terms of cartons. For shipments of lemons other than in cartons, the volume of such lemons shall be converted to cartons on the basis of 38 pounds net weight per carton: *Provided,* That the following equivalents may be used:

(1) One box of fresh loose lemons (market pack) equals 1.6 cartons of lemons.

(2) One storage box or box of byproduct lemons equals 1.316 cartons of lemons.

(b) *Lemon Diversion Report (LAC Form 5).* Each Lemon Diversion Report submitted shall set forth the name and address of the approved byproducts' manufacturer, charitable institution, relief agency, or other diversion outlet to which the lemons were shipped; the number of loose gross boxes of such lemons; total net weight of such lemons; and certification by the handler and the receiver of such lemons as to the accuracy of the information contained in the report. This report shall be submitted within five days following any such shipment.

(c) *Certificate of assignment of allotment (LAC Form 6).* The certificate of assignment of allotment as provided for in § 953.63 shall be issued by the handler who first handles the lemons requiring allotment and which are to move by truck. The certificate shall be issued at the time of sale or transfer of such lemons. Each such certificate shall cover the total quantity of such lemons and shall contain the following information: Date lemons are actually shipped; handler's invoice number when and if available; name of consignee (purchaser or receiver); destination (address of consignee); truck driver's name, address, and signature; date and time of loading; and number of cartons of such lemons. Each such certificate shall be signed by the handler, or his authorized agent, and shall contain in addition to the address of the handler issuing it a certification to the United States Department of Agriculture and the Lemon Administrative Committee that the handler is authorized under the provisions of the marketing agreement and this part to handle the lemons shown on such certificate.

(d) *Weekly report (LAC Form 8).* The weekly report required of each handler by § 953.70 shall be submitted to the Lemon Administrative Committee on or before 12:01 a.m., P.s.t., Monday of each week, and shall be signed and set forth the total number of field boxes of lemons received and contain the following information and certification with respect to the transportation of lemons to storage in the production area and all shipments of lemons during the preceding week:

(1) The total volume of movement in interstate commerce and intrastate commerce of fresh lemons subject to allotment; volume exported other than to Canada; volume handled for conversion into byproducts; and volume shipped for distribution by relief agencies or for consumption by charitable institutions.

(2) Detailed information concerning each shipment of lemons exported other than to Canada showing the number of cartons and identification of the carrier (railroad car number, if any, the name of the steamship, if known, or the Mexico export certificate (LAC Form 11) number if exported to Mexico); and

(3) The location of any lemons stored within the production area (other than on the premises where packed), the name of the warehouse or storage facility in which stored, the respective quantities of lemons transported to such facilities and so stored, and the date and quantity of each shipment of lemons from such storage.

(4) This report shall be signed by the handler submitting it, or his authorized agent, and shall be certified to the United States Department of Agriculture and the Lemon Administrative Committee as to the truthfulness of the information shown thereon.

(e) *Manifest report.* Within twenty-four hours after shipment of lemons is made to points within the United States, Alaska, or Canada, the handler thereof shall furnish to the committee a manifest report on LAC Form 203 of the lemons shipped. Such report shall show the rail car number (if shipment is by rail) or the number of the Certificate of Assignment of Allotment (LAC Form 6) issued for each such shipment, together with the number of cartons (or carton equivalents) of each size of lemons shipped. If the shipment was made under a size exemption certificate (LAC Form 201), the certificate number shall also be shown. Each such manifest report shall be certified by the handler to the United States Department of Agriculture and to the Lemon Administrative Committee as to the correctness of the information shown thereon.

LEMONS NOT SUBJECT TO REGULATION

§ 953.180 Lemons not subject to regulation.

(a) *Byproduct lemons.* No handler shall handle lemons for conversion into byproducts unless (1) such lemons have been handled under allotment; (2) prior to such handling the handler notifies the committee on LAC Form 5 of such proposed handling; or (3) such lemons

are shipped to an approved byproducts manufacturer.

(b) *Approved byproducts manufacturer.* Any person who desires to buy, as an approved byproducts manufacturer, lemons for conversion into byproducts shall file with the committee a signed application therefor on LAC Form 104, which shall contain the following information: (1) Name and address of applicant; (2) proposed types of products to be made or derived from lemons; (3) a statement that the lemons obtained for conversion into byproducts will be used for that purpose only and will not be resold, disposed of, or in any other way handled in fresh fruit channels; and (4) an agreement to submit such reports as may be required by the committee. The application shall contain a statement that failure to submit the reports required by (4) of this paragraph will cause the removal of such person's name from the list of approved byproduct manufacturers. The application shall be signed by the applicant or his authorized agent. Upon the filing of the application, it will be referred to the committee's Compliance Department for investigation. When completed, the report of the investigation shall be given to the committee; and, based thereon and upon other available information, the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the name of the applicant shall be placed on the list of approved byproduct manufacturers.

(c) *Lemons for export*—(1) *To Mexico.* With respect to all shipments of lemons to Mexico, the handler shall obtain from the purchaser, at time of delivery of such lemons, a certification on LAC Form 11, to the United States Department of Agriculture and the Lemon Administrative Committee that such lemons are to be exported directly to Mexico and will not re-enter the United States or be re-shipped to Canada. Such certificate (LAC Form 11) shall state the date of shipment, the quantity of lemons included in such shipment, the truck license number or other identification of the carrier of such lemons, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report.

(2) *Armed Forces for export.* With respect to all sales of lemons to the Armed Forces for export, the handler shall complete LAC Form 12, "Certificate of Sale of Lemons for Export to the Armed Forces", showing date of shipment, the quantity of lemons included in such shipment, their destination or port of departure, and the purchase order number. Such certificate shall be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report.

(3) *Other shipments in export.* Except on shipments of lemons to Canada, Mexico or to the Armed Forces, each handler shall submit to the committee, as soon as possible after each shipment of lemons in export, a copy of the "on-board" bill of lading, or other shipping document acceptable to the committee covering such shipment.

(d) *Minimum quantities and types of shipments.* (1) Any grower who is unable to market lemons produced by him because of the quantity involved or the location of his grove, or because he is unable to find a handler who is willing to market his lemons may file with the committee an application for exemption from regulation. Such application shall contain the following information: (i) Name and address of applicant; (ii) location of grove or lemon trees; (iii) the number of lemon trees for the lemons of which an exemption is requested; (iv) the name and address of the packinghouse nearest to such grove or trees; (v) a statement of the efforts the applicant has made to find a handler willing to accept his lemons; (vi) the outlet or outlets in which he intends to market his lemons if an exemption from regulation is granted; (vii) the estimated quantity of lemons that will be marketed during the season if exemption is granted. Such application shall be submitted by the committee to its Compliance Department for investigation, and upon receipt of the report of investigation shall determine if an exemption should be granted. Applicant shall be notified in writing by the committee of its determination.

(2) Any person who markets or distributes lemons in containers different than those used in regular commercial practice, such as in gift packages, or in types of shipments not customarily made by lemon handlers may file an application with the committee for exemption from regulation for such shipments. Such application shall contain the following information: (i) Name and address of applicant; (ii) the type of shipment or container for which exemption is requested; (iii) the estimated volume of lemons to be handled in such type of shipments during a marketing season; (iv) the outlets to which such shipments are to be made; and (v) a statement of applicant's reasons why such shipments should be exempted from regulation. Such application shall be submitted to the committee's Compliance Department for investigation and upon receipt of the investigation report the committee shall determine if an exemption should be granted to the applicant. Applicant shall be notified in writing of the committee's determination.

Dated, May 7, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-3973; Filed, May 11, 1959; 8:47 a.m.]

[Lemon Reg. 790, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.897 (Lemon Regulation 790, 24 F.R. 3530) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 7, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-3989; Filed, May 11, 1959; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

§ 103.1 [Amendment]

1. Subdivision (ii) of subparagraph (2) *Deputy Associate Commissioner, Travel Control* of paragraph (a) *Associate Commissioner, Operations* of § 103.1 *Delegations of authority* is amended to read as follows.

(ii) *Assistant Commissioner, Special Projects.* The Service activities outside the United States and contiguous territory, including those in Guam.

§ 103.6 [Amendment]

2. Paragraph (b) of § 103.6 *Immigration bonds* is amended to read as follows:

(b) *Extension agreements; consent of surety; collateral security.* A district director is authorized to approve a bond which is prepared on a form approved by the Commissioner, a formal agreement to extension of liability of surety, a request for delivery of collateral security to a duly appointed and undischarged administrator or executor of the estate of a deceased depositor, and a power of attorney executed on Form I–312. All other matters relating to bonds, including a power of attorney not executed on Form I–312 and a request for delivery of collateral security to other than the depositor or his approved attorney in fact, shall be forwarded to the regional commissioner for approval.

PART 212 — DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.5 [Amendment]

The first sentence of § 212.5 *Parole of aliens into the United States* is amended to read as follows: "The district director in charge of a port of entry may, prior to examination by an immigration officer, or subsequent to such examination and pending a final determination of admissibility in accordance with sections 235 and 236 of the act and this chapter, or after a finding of inadmissibility has been made, parole into the United States temporarily in accordance with section 212(d)(5) of the act any alien applicant for admission at such port of entry under such terms and conditions, including the exaction of a bond on Form I–352, as such officer shall deem appropriate."

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

Part 213 is amended to read as follows:

§ 213.1 Admission under bond or cash deposit.

The district director having jurisdiction over the place where the examination for admission is being conducted or the special inquiry officer to whom the case is referred may exercise the authority contained in section 213 of the Act. All bonds and agreements covering cash deposits given as a condition of admission of an alien under section 213 of the Act shall be executed on Form I–352 and shall be in the sum of not less than $1,000. The officer accepting such deposit shall give his receipt therefor on Form I–305.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 213, 235, 66 Stat. 188, 198; 8 U.S.C. 1183, 1225)

PART 214—NONIMMIGRANT CLASSES

§ 214.1 [Amendment]

The first sentence of § 214.1 *General requirements for admission, extension, and maintenance of status* is amended to read as follows: "Every nonimmigrant alien applicant for admission or extension of stay in the United States shall establish that he is admissible to the United States or that a ground of inadmissibility has been waived under section 212(d)(3) of the Act; present a passport, valid for the period set forth in section 212(a)(26) of the Act, except as otherwise provided in this chapter, and, upon admission, a valid visa, except when either or both documents have been waived; agree that he will abide by all the terms and conditions of his admission or extension, and that he will depart at the expiration of the period of his admission or extension or on abandonment of his authorized nonimmigrant status; and post a bond on Form I–352 in the sum of not less than $500 if required by the district director, special inquiry officer, or the Board of Immigration Appeals at the time of admission or extension, to insure the maintenance of the alien's nonimmigrant status and his departure from the United States."

PART 231 — ARRIVAL - DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Part 231 is amended to read as follows:

Sec.
231.1 Arrival manifests for passengers.
231.2 Departure manifests for passengers.

AUTHORITY: §§ 231.1 and 231.2 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 212, 231, 238, 239, 66 Stat. 167, 182, 195, 202, 203; 8 U.S.C. 1101, 1182, 1221, 1228, 1229.

§ 231.1 Arrival manifests for passengers.

The master or agent of every vessel or aircraft arriving in the United States from a foreign place, except one arriving directly from Canada on a voyage or flight originating in that country, must present a manifest of all passengers on board to the immigration officer at the first port of arrival. For aircraft, or such vessels as are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I–94) prepared for and presented by each passenger. For all other vessels the manifest shall be submitted on a Form I–418, executed in accordance with the instructions on the reverse thereof, with a completely executed set of Forms I–94 prepared for and presented by each alien passenger except an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda. When inspection of an arriving passenger is deferred at the request of the carrier to another port of debarkation, the manifests relating to any such passenger shall be returned, together with a Form I–92 when the Form I–94 manifest procedure is used for presentation by the master or agent at the port where inspection is to be conducted.

§ 231.2 Departure manifests for passengers.

The master or agent of every vessel departing from the United States for a foreign place, except one departing directly to Canada on a voyage or flight terminating in that country, must present a manifest of all passengers on board to the immigration officer at the port of departure prior to departure, except that vessels or aircraft making regularly scheduled voyages or flights to and from the United States may defer presentation for a period not in excess of 30 days. For aircraft, or such vessels as are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I–94) for each passenger. For all other vessels, the manifest shall be submitted on a Form I–418, executed in accordance with the instructions on the reverse thereof, with a fully executed Form I–94 for each passenger except an alien permanent resident of the United States, a Canadian citizen, or a British subject residing in Canada or Bermuda. When a Form I–94 is required to be submitted for an alien by a departing vessel or aircraft, the Form I–94 given the alien at the time of his last admission should be utilized. Any alien registration receipt card on Form I–151 surrendered pursuant to § 264.1(d) of this chapter shall be attached to the manifest. An alien nonimmigrant departing on a vessel or aircraft proceeding directly to Canada on a voyage or flight terminating in that country should surrender any Form I–94 in his possession to the Canadian immigration officer at the port of arrival in that country.

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Section 251.2 is amended to read as follows:

§ 251.2 Notification of illegal landings.

As soon as discovered, the master or agent of any vessel from which an alien crewman has illegally landed or deserted in the United States shall inform the immigration officer in charge of the port where the illegal landing or desertion occurred, in writing, of the name, nationality, passport number and, if known, the personal description, circumstances and time of such illegal landing or desertion of such alien crewman, and furnish any other information and documents which might aid in his apprehension, including any passport surrendered pursuant to § 252.1(d) of this chapter. Failure to file notice of illegal landing or desertion and to furnish any surrendered passport within 24 hours of the time of such landing or desertion becomes known shall be regarded as lack of compliance with section 251(d) of the Act. When the illegal landing or desertion is discovered within 24 hours of the vessel's departure, the Form I–418 required to be submitted in accordance with § 251.3(b) satisfies the notice requirements of this section if accompanied by the surrendered crewman's passport.

PART 252—LANDING OF ALIEN CREWMEN

§ 252.1 [Amendment]

Paragraph (d) of § 252.1 *Examination of crewmen* is amended to read as follows:

(d) *Authorization to land.* The immigration officer in his discretion may grant an alien crewman authorization to land temporarily in the United States for (1) shore leave purposes during the period of time the vessel or aircraft is in the port of arrival or other ports in the United States to which it proceeds directly without touching at a foreign port or place, not exceeding 29 days in the aggregate, if the immigration officer is satisfied that the crewman intends to depart on the vessel on which he arrived or on another aircraft of the same transportation line, and the crewman's passport is surrendered for safe keeping to the master of the arriving vessel, or (2) the purpose of departing from the United States as a crewman on a vessel other than the one on which he arrived, or departing as a passenger by means of other transportation, within a period of 29 days, if the immigration officer is satisfied that the crewman intends to depart in that manner, that definite arrangements for such departure have been made, and the immigration officer has consented to the pay off or discharge of the crewman from the vessel on which he arrived.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amendment]

The list of forms in § 299.1 *Prescribed forms* is amended in the following respects:

a. The following form is added in numerical sequence:

Form No.	*Title and description*
I-352	Immigration bond.

b. The following forms and references thereto are deleted:

Form No.	*Title and description*
I-304	Power of Attorney for Immigration Bond Where Cash Deposited as Security.
I-313	Designation, Coupled with Interest, of Attorney in Fact.
I-317	Blanket Bond for Departure of Aliens in Transit or Temporarily Admitted as Visitors for Business or Pleasure.
I-324	Bond for the Release of an Alien Under Exclusion Proceedings.
I-353	Bond Conditioned for the Delivery of an Alien.
I-354	Bond That Alien Shall Not Become a Public Charge.
I-377	Bond for Maintenance of Status and Departure of Nonimmigrant Alien or Aliens.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and management. The amendment to Part 231 is designed to permit authorized steamship lines to use the same manifesting procedure for arriving and departing passengers now utilized exclusively by airlines.

Dated: May 6, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-3964; Filed, May 11, 1959; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Intermediate Decisions

On April 3, 1959, the Commission issued for public comment proposed amendments to Part 2 of the Commission's rules and regulations providing that, unless some longer time is provided in an intermediate decision, (1) briefs in support of exceptions to the decision shall be filed at the same time as such exceptions are filed, and (2) briefs in opposition to such exceptions shall be filed within 10 days after the service of such exceptions.

Because this amendment deals with procedural rules and immediate effectiveness thereof will not adversely affect any person, the Commission has found that good cause exists why this amendment should be made effective without the customary period of prior notice. Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Sess., Title 10, Code of Federal Regulations, Part 2 is amended as follows, effective upon publication in the FEDERAL REGISTER:

1. Section 2.751(c)(5) is amended to read as follows:

§ 2.751 Intermediate decisions and their effect.

* * * * *

(c) Each intermediate decision shall be in writing and shall contain:

* * * * *

(5) In the case of an intermediate decision which may become final unless exceptions are filed, the date when such decision will become final in the absence of exceptions thereto.

2. Section 2.752 is amended to read as follows:

§ 2.752 Exceptions to intermediate decisions.

(a) Within 20 days after service of any intermediate decision, or such longer period as may be fixed therein, any party to a hearing may file with the Commission exceptions to such decision and a brief in support thereof, and shall serve copies of such exceptions and supporting brief on all other parties to the hearing. Each exception shall be separately numbered, shall identify the part of the intermediate decision to which objection is made, shall designate by specific reference the portions of the record relied upon in support of the objections, and shall state the grounds for the exception including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made part of the exceptions shall be deemed to have been waived, and the Commission need not consider such objections.

(b) Within 10 days after service of exceptions to the intermediate decision and brief in support thereof, or such longer period as may be fixed in such decision any party to a hearing may file with the Commission a brief in opposition to such exceptions.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 28th day of April 1959.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 59-3960; Filed, May 11, 1959 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 601—SHOE AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205) the Secretary by Administrative Order No. 517 (24 F.R. 1534), as amended by Administrative Order No. 518 (24 F.R. 2311), appointed, convened, and gave due notice of the hearing of, and referred to Industry Committee No. 44-C the question of the minimum wage rate or rates to be paid under section 6 of that Act to employees in the Shoe and Related Products Industry in Puerto Rico as defined in said Administrative Order, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208) Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165) and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR, Part 601, effective May 28, 1959 to read as follows:

Sec.
601.1 Definition.
601.2 Wage rates.
601.3 Notices.

AUTHORITY: §§ 601.1 to 601.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 601.1 Definition.

The shoe and related products industry in Puerto Rico is defined as the manufacture or partial manufacture of footwear from any material and by any process except knitting, crocheting, vulcanizing of the entire article, vulcanizing of the sole to the upper, or molding plastic, including, but without limitation, shoes, slippers, sandals, moccasins, boots, boot tops, puttees (except spiral puttees), athletic shoes, burial shoes, and shoes completely rebuilt in a shoe factory; the manufacture from any material (except rubber, composition of rubber, or plastic molded to shape) of cut stock and findings for footwear, including, but without limitation, heels (except wood heel blocks), linings, vamps, quarters, outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, box toes, counters, stays, stripping, sock linings, heel pads, pasted shoe stocks, and bows, ornaments, and trimmings designed exclusively for use on shoes; and the manufacture of boot and shoe patterns.

§ 601.2 Wage rates.

Wages at a rate of not less than 59 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shoe and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 601.3 Notices.

Every employer subject to the provisions of § 601.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 601.2 are working such notice of this part as shall be prescribed from time to time by the administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 6th day of May 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-3966; Filed, May 11, 1959; 8:45 a.m.]

PART 602 — LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary by Administrative Order No. 517 (24 F.R. 1534), as amended by Administrative Order No. 518 (24 F.R. 2311), appointed, convened, and gave due notice of the hearing of, and referred to Industry Committee No. 44-B the question of the minimum wage rate or rates to be paid under section 6 of that act to employees in the Leather, Leather Goods, and Related Products Industry in Puerto Rico as defined in said Administrative Order, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp. p. 165), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR, Part 602, effective May 28, 1959, to read as follows:

Sec.
602.1 Definition.
602.2 Wage rates.
602.3 Notices.

AUTHORITY: §§ 602.1 to 602.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 602.1 Definition.

The leather, leather goods, and related products industry in Puerto Rico is defined as the curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the button, jewelry, and lapidary work industry (Part 616 of this chapter), the chemical, petroleum, rubber and related products industry (Part 670 of this chapter), or the needlework and fabricated textile products industry (Part 612 of this chapter), as defined in the wage orders for those industries in Puerto Rico, or in the fabric and leather glove industry or the shoe and related products industry, as defined in the Administrative Order appointing Industry Committees Nos. 44-A and 44-C, respectively, for those industries in Puerto Rico.

§ 602.2 Wage rates.

(a) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hide curing classification of the leather, leather goods, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the salting and other curing of hides and skins and operations incidental thereto.

(b) Wages at a rate of not less than 62 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sporting and athletic goods classification of the leather, leather goods, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of sporting and athletic goods, including sport and athletic gloves and mittens and baseballs, softballs, footballs, and basketballs, covered with leather, artificial leather, fabric, plastics, or similar materials.

(c) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the belt classification of the leather, leather goods, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of apparel belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials (except fabric).

(d) Wages at a rate of not less than 57 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the leather, leather goods, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all products and activities included in the leather, leather goods, and related products industry, as defined in this part, except those included in the hide curing classification, the sporting and athletic goods classification, and the belt classification as defined in this § 602.2.

§ 602.3 Notices.

Every employer subject to the provisions of § 602.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 602.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 6th day of May 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-3967; Filed, May 11, 1959; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Gen. Order 43, 3d Revision]

PART 246—FORMULAE FOR DETERMINING SEA SPEED OF VESSELS

Part 246 is hereby revised to read as follows:

Sec.
246.1 Method of calculating sea speed of vessels.
246.2 Other provisions.
246.3 Speed formula requiring the substantiating data of § 246.2(b).
246.4 Modification of formulae.

AUTHORITY: §§ 246.1 to 246.4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 246.1 Method of calculating sea speed of vessels.

The speeds of vessels shall be based on the methods of calculation described herein.

(a) The basis for calculation shall be the data relating to the vessel as certified in the register of the appropriate Classification Society. The American Bureau of Shipping record shall be used except for vessels not having this classification.

(b) The charts and methods outlined in "Speed and Power of Ships" by D. W. Taylor, shall be the bases for determining effective horsepower required, except that of the four methods given therein for wetted surface determination, the one based on Froude's formula shall be used. Calculations for effective horsepower required shall be made at speed-length ratio of 0.60 and corrected to actual speed-length ratio by the cube rule.

(c) The maximum total continuous horsepower available for propulsion (IHP, SHP, BHP) as determined from the register of the apropriate Classification Society, shall be used as a basis for determining the shaft horsepower available except that for all machinery of a steam reciprocating type, 0.90 mechanical efficiency shall be used with the IHP. The effective horsepower available to be used in conjunction with the speed calculations for single screw vessels shall be determined by multiplying the shaft horsepower available by an appropriate factor based on vessels of 450' length. For all vessels constructed subsequent to January 1, 1925 this factor shall be 0.50. For all vessels constructed prior to January 1, 1925 this factor shall be 0.50 for vessels having 6,000 SHP or more, 0.47 for vessels having power less than 6,000 SHP but more than 3,000 SHP, and 0.44 for vessels having 3,000 SHP or less. The above factors are to be corrected for length with an increase or decrease of 0.1 per 150' of length that the vessel is greater or less than 450'. (For new vessels 0.4 at 300 feet and 0.6 at 600 feet, etc.)

(d) For twin screw vessels the foregoing factors for single screw vessels shall be reduced by 10 percent.

§ 246.2 Other provisions.

(a) At any time the Maritime Administrator has the privilege to request a trial in deep water, either on a standard deep water measured mile or other course approved by the Maritime Administration. On this trial, the operator shall determine, to the satisfaction of representatives of the Maritime Administration, the speed at which the vessel runs when the engines are developing 80 percent of their normal power and the vessel has a mean draft corresponding to its assigned freeboard. All expenses, etc. in connection with such a trial shall be borne by the Operator.

(b) Notwithstanding the provisions herein, the Maritime Administrator will consider the request of any owner for a waiver of the speed required herein and the acceptance of a speed certificate computed in accordance with § 246.3, upon submission by the owner of pertinent applicable data proving to the satisfaction of the Administrator that the speed of the vessel, as determined in accordance with § 246.3, is not in excess of fair and reasonable speed satisfactory to the Administrator but the determinations of the Administrator, in this respect, shall be final and conclusive.

§ 246.3 Speed formula requiring the substantiating data of § 246.2(b).

The speed of vessels calculated under this section shall be calculated on the same basis as set forth in § 246.1 (a), (b), (c), and (d), except for the following:

(a) Section 246.1(c) is modified to eliminate the correction for vessels constructed prior to January 1, 1925.

(b) Upon request and the submission by the owner of pertinent applicable data, such as standardization trial and self-propelled model test results, the Maritime Administrator shall give consideration to modifications of results obtained by the foregoing method but the extent to which such data may affect the results shall be determined by the Maritime Administrator.

§ 246.4 Modification of formulae.

The formulae set forth herein are subject to modification, as may be determined hereafter.

Dated: May 5, 1959.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-3975; Filed, May 11, 1959; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12749; FCC 59-431]

PART 5—EXPERIMENTAL RADIO SERVICES

Application Requirements for Contract Developmental Station Licenses

1. A Notice of Proposed Rule Making in Docket No. 12749 was issued by the Commission on February 3, 1959 (24 F.R. 979). This proposed rule making would amend Part 5 of the Commission's experimental rules to require that additional information be supplied with applications for station authorizations involving government contract work. A proposed form, FCC Form 440A, would be used for this purpose.

2. The period for filing comments in this proceeding expired March 13, 1959. Comments were received from Dalmo Victor Company, Polarad Electronics Corporation and the Aeronautical Flight Test Radio Coordinating Council.

3. All comments were favorable to the proposed rule changes. However, both Polarad Electronics Corporation and the Aeronautical Flight Test Radio Coordinating Council suggested that Item 13 of the proposed form, which requires information on the operating characteristics of each frequency requested, be modified to permit bands of frequencies to be entered in lieu of single frequencies whenever the experimentation requires the use of bands of frequencies.

4. The Commission recognizes the merit of this suggestion but it must be understood that to fulfill the purpose of this form specific frequencies shall be requested in all cases except where the program specifically calls for radiation over an entire band of frequencies. In those cases where bands of frequencies are required in the performance of work under government contract, such bands of frequencies may be entered in the space provided for the frequency with the related data tabulated directly below each band. In order to make the instruction in Item 13 clearer, the Commission has added the phrase "or band of frequencies", so that the instruction now reads "Use a separate column for each frequency or band of frequencies", (See Form 440A, attached).

5. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments set forth below. Authority for this action is contained in sections 4(i), 303 and 308(b) of the Communications Act of 1934, as amended.

6. *Accordingly it is ordered,* That effective June 10, 1959, Part 5 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 6, 1959.

Released: May 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 5, The Experimental Radio Services, as follows:

1. Amend § 5.55(g) to read as follows:

§ 5.55 Forms to be used.

* * * * *

(g) *Application for renewal of station license.* (1) Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class in those cases where the renewal requested is in exact accordance with the terms of the previous authorizations. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(2) If the station license sought to be renewed is used for the purpose of fulfilling the requirements of a contract with an agency of the U.S. Government, the application for renewal shall be accompanied by Form 440A in triplicate, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.

2. Amend § 5.57(c) to read as follows:

§ 5.57 Supplementary statements required.

* * * * *

(c) *Applications involving government contracts.* The provisions of paragraphs (a) and (b) of this section shall not be applicable to applicants for an authorization in the Experimental Service (Research) to be used for the purpose of fulfilling the requirements of a contract with an agency of the United States Government. In lieu thereof, such applicants shall include as a part of the application, FCC Form 440A[1] in triplicate, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.

[F.R. Doc. 59-3978; Filed, May 11, 1959; 8:47 a.m.]

[Docket No. 12444; FCC 59-437]

PART 12—AMATEUR RADIO SERVICE

Re-examination of Licensees Holding a Technician or Novice Class of Operator License

1. Introduction: The Commission adopted on May 21, 1958, a Notice of Proposed Rule-Making in the above-entitled proceeding. This notice was published in the FEDERAL REGISTER of May 29, 1958 (23 F.R. 3738) and interested parties were afforded ample opportunity to submit comments either in support of or in opposition to the rule amendments proposed. The time for filing both original and reply comments in regard to the proposed rule changes has now expired.

Several comments were filed in this proceeding by individual licensees, and by organizations representing large numbers of amateurs. While all the comments submitted are not individually discussed herein, every properly filed comment has been considered and the merits thereof given appropriate weight by the Commission in reaching its determinations.

The primary purpose of the Commission in initiating this proceeding was to equalize, with respect to re-examination under Commission supervision, the treatment of all persons who obtain amateur operator licenses by "mail-order 'examinations.'". To accomplish this aim the Commission proposed to amend § 12.45 (a) of the Commission's rules so as to enable the Commission to require that any holder of a Novice or Technician Class operator's license as well as a holder of a Conditional Class license appear for an examination under the supervision of Commission personnel or representatives. The present provisions of § 12.45(a) state that only Conditional Class licensees are subject to such re-examination.

2. Comments filed: Those who opposed the proposed amendment fell generally into two Classes. The first group was composed of present holders of Technician Class licenses. Their arguments are as follows:

(a) The basic problem with regard to the operations of Technicians is Television interference which would not be solved by reexamination;

(b) The operating privileges accorded to the Technician and Novice Class are inferior to those granted Conditional Class licensees, and, hence, should not be subject to reexamination;

(c) The requirements of this rule would burden the Commission's staff, would inconvenience the licensee both in terms of travel and preparation, and would subject such licensees to the risk of failing the reexamination and, thus, be subject to having their licenses cancelled.

3. The second group which raised objections to this proposed amendment are holders of General or higher class licenses whose main contention is that the proposal does not go far enough in the direction of correcting the inequities in the examination procedures. Joe Martin, W5RYP, 2902 Nicholson Drive, Dallas, Texas, and Walt Jackson, W5ZYA, 1302 Ruea Street, Grand Prairie, Texas, filed a joint comment urging that a petition of the American Radio Relay League to amend § 12.44(a)(1) be reconsidered by the Commission. (See Memorandum Opinion and Order, dated May 21, 1958, denying this petition.) The comment then continues: "However, we do favor the Commission's proposed rule change to § 12.45 but feel that this change in correcting an unequal status in license examination procedures does not alter or add to the proposed rule change urged by the ARRL."

4. A few comments received opposing this proposed amendment apparently resulted from some misunderstanding of the Commission's purpose in issuing this Notice of Proposed Rule Making. For example, Frank Lewis, Sr. K8GKR, La Fayete, Ohio fears that all Technicians and Novices will be recalled for an examination under Commission supervision. The Commission has no such intention and directs attention to the wording of § 12.45(a) which states in part: "The Commission may require * * * (emphasis added). This language is plainly permissive not mandatory; under this rule in its present form the Commission has sought reexamination of only a small percentage of Conditional Class licensees.

5. Some amateurs pointed out that those Technicians who originally secured licenses by passing examinations under Commission supervision should be exempt from the provisions of this proposed amendment. With this the Commission is in accord. Since the aim of this proposal is to place "mail-order licensees" on an equal footing with respect to the possibility of being recalled for reexamination, it would be unjust to include any Technician who obtained his license in another manner within the scope of the operation of this rule proposal.

6. The majority of the comments received favored the adoption of the Notice of Proposed Rule Making in this matter. The status of persons filing such comments ranged from those of Carl H. Weiler, KN8IPK, North Ridgeville, Ohio, a Novice Class licensee to those submitted by Robert E. Payne, W4CWZ, a holder of an Extra Class license. The substance of these "pro" comments is identical to that expressed by the Commission in its Notice of Proposed Rule Making in this matter that "it would provide for equality of treatment, with respect to re-examination, of all classes of amateur operator licensees who obtain licenses by mail."

7. Findings: Since the proposed rule change will enable the Commission to render equal treatment to this group of licensees, it would appear that such a "tightening" of § 12.45 is certain to rebound to the eventual advantage of all classes of amateur licensees. The Commission recognizes that in some cases the re-examination procedure will cause some inconvenience, but the benefits to the amateur fraternity as a whole outweigh the inconvenience that may ensue in certain individual instances. While it is admitted that this proposed amendment will not solve all the abuses inherent in this "mail order" examination procedure, this rule change will enable the Commission to exercise closer supervision over all those who have obtained licenses in this manner. Thus, of course, the application of this new rule will not affect those Technician Class licensees

[1] Filed as part of the original document.

who obtained licenses as a result of passing a Commission-supervised examination. For the foregoing reasons, the Commission is convinced that adoption of the amendment proposed by the Notice of Proposed Rule Making issued in this proceeding will be in the public interest.

8. Authority for the amendment of Part 12 of the Commission's rules ordered hereby is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

In accordance with the foregoing: *It is ordered*, That effective June 10, 1959, § 12.45 of Part 12 of the Commission's rules is amended to conform with the foregoing conclusions. This section, as amended, is set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 6, 1959.

Released: May 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 12.45 is amended to read as follows:

§ 12.45 Additional Examination for holders of Novice, Technician, or Conditional Class operator licenses.

(a) The Commission may require a licensee holding a Novice, Technician, or Conditional Class of operator license to appear for a Commission-supervised license examination at a location designated by the Commission. If the licensee fails to appear for this examination when directed to do so, or fails to pass such examination, the Novice, Technician, or Conditional Class operator license previously issued shall be subject to cancellation, and upon cancellation, a new license will not be issued for the same class operator license as that cancelled.

(b) Whenever the holder of a Novice, Technician, or Conditional Class amateur operator license is required by the Commission to restrict the operation of his amateur station, in accordance with the provisions of § 12.152, § 12.153, or § 12.154, the necessity for such restriction shall be considered sufficient grounds to require the holder of the Novice, Technician, or Conditional Class license to appear for a Commission-supervised examination.

[F.R. Doc. 59-3979; Filed, May 11, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 14a]

[Bureau of Mines Schedule 23B]

NONEMERGENCY GAS RESPIRATORS (CHEMICAL CARTRIDGE RESPIRATORS, INCLUDING PAINT SPRAY RESPIRATORS)

Proposed Revision of Procedures for Testing for Permissibility

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7; and sec. 1, 66 Stat. 709, 30 U.S.C. 482(a); it is proposed to revise the regulations in Part 14a, Title 30 Code of Federal Regulations, as set forth below.

The principal revisions are: Format changed; coverage enlarged to include paint spray respirators; definitions extended; fees increased to reflect increases in costs of testing, and fees added for testing paint spray respirators; and scope of requirements enlarged to include filter materials.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Mines, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director,
Bureau of Mines.

Approved: May 6, 1959.

ELMER F. BENNETT,
Assistant Secretary of the Interior.

Part 14a of Title 30 would read as follows:

Subpart A—General Provisions

Subpart B—Respirator Requirements

Subpart C—Test Requirements

AUTHORITY: §§ 14a.1 to 14a.33 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7, 482. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 14a.1 Purpose.

The regulations in this part set forth the requirements for nonemergency gas respirators to procure their certification as approved for use in atmospheres containing limited concentrations of organic vapors with or without particulate contaminants, including such atmospheres in coal mines; procedures for applying for such certification; and fees.

§ 14a.2 Definitions.

As used in this part—

(a) "Permissible," as applied to nonemergency gas respirators (chemical cartridge respirators, including paint spray respirators) means that the respirator conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the respirator has met the requirements of this part for nonemergency gas respirators and authorizing the use and attachment of an official approval label or marking so indicating.

(d) "Nonemergency gas respirator" means a completely assembled device (chemical cartridge respirator, including paint spray respirator) designed to provide respiratory protection against atmospheres which contain not more than 0.1 percent by volume [1] (1,000 parts per million (p.p.m.)) of organic vapors; and which are not immediately dangerous to life but which may produce discomfort, or a chronic type of poisoning or affection after repeated exposure, or mild or acute adverse physiological symptoms after prolonged exposure.

(e) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs and manufactures, or assembles, a nonemergency gas respirator and seeks a certificate of approval thereof.

§ 14a.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, and discuss with qualified Bureau personnel proposed designs of respirators to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

[1] All concentrations given in this part have been calculated on a basis of 25° C. and 760 mm. mercury pressure.

§ 14a.4 Types of respirators for which certificates of approval may be granted.

(a) Certificates of approval will be granted for completely assembled nonemergency gas respirators only and not for individual parts or subassemblies.

(b) Two types of nonemergency gas respirators may be certified for protection against atmospheres containing not more than 0.1 percent by volume (1,000 parts per million (p.p.m.)) of organic vapors as follows:

(1) *Type B.* For protection against organic vapors, such as acetone, alcohol, benzene, carbon tetrachloride, ether, formaldehyde, gasoline and petroleum distillates, and toluene.

(2) *Type BE.* For protection against organic vapors in combination with dusts, fumes, and mists, including dispersoids from paint-spraying operations.

NOTE: The type letter E indicates protection against particulate contaminants.

§ 14a.5 Fees for investigation.

(a) The full fee must accompany an application for testing a respirator or for retesting equipment that has been previously tested and disapproved. If less work is involved than for a complete investigation, the charge will be in proportion to the work done. Any surplus will be refunded to the applicant.

(b) The fee for tests covering only part of a complete investigation will be charged according to the work involved and will be in proportion to that charged for a complete investigation. The fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(c) The fee for an extension of certification will be determined according to the work required and the applicant will be notified accordingly. The fee must be paid in advance before the investigation will be undertaken.

(d) The following fees are charged for testing types B and BE nonemergency gas respirators:

(1) Type B—Organic vapors, complete respirator	$510
(2) Type BE—Dusts, fumes, or mists in combination with organic vapors. Fee for filter tests in addition to that required for Type B:	
(i) Pneumoconiosis - producing and nuisance dusts	130
(ii) Toxic dusts	160
(iii) Dusts—combination of (i) and (ii)	190
(iv) Fumes	190
(v) Silica mist	160
(vi) Chromic acid mist	220
(vii) Mists of paints, lacquers, and enamels	670
(3) Facepiece alone	60
(4) Cartridge(s) alone	450
(5) Additional examination and tests of respirator in connection with other tests, per man-day required	40
(6) Fees for testing unusually complicated equipment or for unusual tests or other tests not included in the above list will be determined in advance by the Bureau. The applicant will be notified accordingly in writing and the fee shall be paid before the tests are begun.	

§ 14a.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees, and all prescribed drawings, specifications, and related materials. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Health Research.

(b) The application shall state that the respirator has been subjected to inspections and tests described in Subparts B and C, and that the device has met these requirements when tested by the applicant or his testing agency. Two copies of the results of all the applicant's inspections and tests shall accompany the application.

(c) Drawings and specifications shall be adequate in number and detail to identify fully the design of the respirator and to disclose its materials and detailed dimensions of all parts. Specifications must be given for materials, components, and subassemblies.

(d) The application shall state the purpose of the respirator, giving the types and specific kinds of atmospheric contaminants against which it is designed to furnish respiratory protection.

(e) The application shall state that the respirator is completely developed and of the design and materials which the applicant believes to be suitable for a finished marketable product.

(f) The application shall state the nature, adequacy, and continuity of control of the absorbents for gases or vapors, and characteristics of the filter material. The statement shall describe how each lot of absorbent and filter material will be sampled and tested to maintain its protective qualities before it is used in the applicant's nonemergency gas respirator. The Bureau reserves the right to have its qualified representative(s) inspect the applicant's control-test equipment and control-test records, and to interview the personnel who conduct the control tests to satisfy the Bureau that the proper procedure is being followed to insure the safety of the wearer of the nonemergency gas respirator for the intended service.

(g) When the Bureau notifies the applicant that the application will be accepted, it will also notify him as to the number of completely assembled respirators that will be required for testing together with the number of cartridges, filters, and other parts. All materials required for testing must be delivered (charges prepaid) to the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania.

§ 14a.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a respirator fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 14a.8 Conduct of investigations, tests, and demonstrations.

Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features prior to certification, nor shall it disclose the results of chemical analyses of materials, or any details of the applicant's drawings, specifications, and related material. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved respirator as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers.

§ 14a.9 Certificates of approval.

(a) Upon completion of investigation of a respirator, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a respirator upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction of the respirator upon which the certificate of approval is based. Applicants shall keep exact duplicates of the drawings and specifications that have been submitted to the Bureau and that relate to the respirator which has received a certificate of approval, and these are to be adhered to exactly in production of the certified respirator for commercial purposes, in addition to the applicant's control of absorbents and filter materials.

§ 14a.10 Approval labels or markings.

(a) A certificate of approval will be accompanied by photographs of designs for approval labels—one for the complete nonemergency gas respirator, one for the cartridge, and one for the filter unit if separate from the cartridge. The labels shall bear the seal of the Bureau of Mines and shall be inscribed substantially as follows:

PERMISSIBLE NONEMERGENCY GAS RESPIRATOR, OR PERMISSIBLE CARTRIDGE FOR ORGANIC VAPORS OR ORGANIC VAPORS AND _____

_____

(Applicable type of dispersoid)

U.S. BUREAU OF MINES APPROVAL NO. ------
ISSUED TO ----------
(Name of applicant)
Approved for respiratory protection in atmospheres not immediately dangerous to life and containing not more than 0.1 percent by volume of organic vapors (and also approved for protection against the inhalation of ----------).
(Applicable type of dispersoid)
The approved assembly consists of BM ------ facepiece, BM ------ cartridge, and BM ------ filter (if Type BE).

(b) Appropriate instructions and caution statements on the use and limitations of the respirator shall be included on the approval label(s).

(c) One label shall be reproduced legibly on the outside of the container of the nonemergency gas respirator. The label for the cartridge shall be reproduced legibly on the outside of the cartridge. If a separate filter is used, a label, similar to that for filters covered by Part 14 of this subchapter, shall be reproduced on the outside of the container of extra filters.

(d) The facepiece shall be marked in a legible and permanent manner with the appropriate approval number. If a separate filter is used, each filter shall be marked with the appropriate approval number and with the type or types of dispersoid covered by the approval.

(e) Full-scale designs or reproductions of approval labels and markings and a sketch or description of their position shall be submitted to the Bureau's Central Experiment Station for approval before final adoption.

(f) Use of the Bureau's approval label obligates the applicant to whom the certificate of approval was granted to maintain the quality of the complete respirator and guarantees that the complete respirator is manufactured and assembled according to the drawings and specifications upon which the certificate of approval was based. Use of the approval label or marking is not authorized except on respirators that conform strictly with the drawings and specifications upon which the certificate of approval was based.

§ 14a.11 Material required for record.

(a) The Bureau reserves the right to retain a complete respirator or any component thereof that has been tested and certified as part of the permanent record of the investigation. Material not required for record will be returned to the applicant upon his request and at his expense on written shipping instructions to the Bureau's Central Experiment Station.

(b) As soon as a certified respirator is commercially available, the applicant shall deliver a complete unit free of charge to the Bureau's Central Experiment Station.

§ 14a.12 Changes after certification.

If an applicant desires to change any feature of a certified nonemergency gas respirator, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change. The application shall be accompanied by drawings and specifications and related material(s) as in the case of an original application.

(b) The application and accompanying material(s) will be examined by the Bureau to determine whether testing of the modified respirator or component will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the respirator. The Bureau will inform the applicant in writing whether such testing is required, and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 14a.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause, at any time, any certificate of approval granted under this part.

Subpart B—Respirator Requirements

§ 14a.20 Design and construction.

The Bureau will not test or investigate any nonemergency gas respirator that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed on sound scientific principles. Adequacy of design and construction will be determined with reference to the following factors: Kind and durability of materials; durability of construction; practicality of operation for the wearer, such as freedom of movement, field of vision, fit of facepiece, and lack of discomfort; and performance characteristics during the investigation, including physiological effects on the wearer of the respirator. Since all possible designs, arrangements, or combinations of materials and components cannot be foreseen, the Bureau reserves the right to make any tests or to place any limitations on a respirator or part thereof not specifically covered herein to safeguard the wearer of such equipment.

§ 14a.21 Component parts.

All component parts of a respirator shall be designed, constructed, and fitted in such manner that they will not create a hazard to the wearer of the equipment. Cartridges and other parts of necessarily short life or period of use shall be easily replaceable and after replacement the tightness of the whole respirator shall be such as to protect the wearer against leaks of contaminated air.

§ 14a.22 Cartridges and containers; color and markings.

(a) The color and marking of a type B or BE cartridge shall conform with the latest revision of the "American Standard Safety Code for Identification of Gas-Mask Canisters."

(b) Cartridges shall be sealed to protect them against moisture during storage. Mechanical filter units shall be protected by containers such as envelopes, boxes, or bags.

(c) A substantial, durable container shall be provided for each nonemergency gas respirator to protect it when not in use. The respirator and its container shall be marked distinctly with the name of the applicant, and the type, letter, or number by which the respirator is commonly known.

§ 14a.23 Facepiece.

(a) Only the half-mask type facepiece will be accepted for testing. It shall be so constructed as to assure a quick gastight fit on persons of various facial shapes and sizes.

(b) The half-mask facepiece shall not interfere with the wearer's use of goggles.

(c) Each facepiece shall be equipped with double head bands, which shall be elastic, adjustable, and replaceable.

(d) Cloth covering shall not be used for the face-contacting portion of the facepiece.

(e) An inhalation check valve(s) shall be provided to prevent exhaled air from coming in contact with the absorbent or the mechanical filter. An exhalation valve(s) also shall be provided, which shall be protected against damage or malfunctioning.

§ 14a.24 Breathing tube.

When a flexible breathing tube is part of the respirator construction, it shall permit free head movement and shall not shut off the breathing of the wearer because of kinking, chin or arm pressure, or otherwise interfere with the wearer.

§ 14a.25 Harness.

When a respirator is equipped with a harness, it shall be so constructed that it will hold the cartridge(s) and filter(s) securely in position against the wearer's body. The harness shall permit convenient replacement of cartridge(s) and filter(s) and shall provide for holding the facepiece in the "ready" position when the facepiece is not in use.

§ 14a.26 Cartridges in parallel.

When two cartridges are used in parallel on a respirator, their resistances to air flow shall be essentially equal.

§ 14a.27 Materials of construction.

(a) All parts of the respirator, especially rubber or plastic, that are in direct contact with portions of the wearer's body shall be of non-irritating composition.

(b) All materials that are used in the construction of facepieces shall withstand repeated disinfection by methods recommended by the applicant and acceptable to the Bureau.

NOTE: The accepted method for disinfection shall be described in the instructions for use of the respirator supplied by the applicant.

Subpart C—Test Requirements

§ 14a.30 Facepiece tests.

(a) The complete nonemergency gas respirator shall be fitted to the faces of 15 to 20 persons having a wide variety of facial shapes and sizes. To test the suitability of the fit of the respirator on these subjects, the exhalation valve shall be held closed, without disturbing the fit of the respirator, and each subject shall

exhale gently into the facepiece until a slight but definite positive pressure is built up in the facepiece. The absence of outward leakage of air between the facepiece and each wearer's face shall indicate satisfactory fit of the facepiece.

(b) Eight of the persons who participated in the test described in paragraph (a) of this section, each wearing the complete nonemergency gas respirator for protection against organic vapors, shall enter an atmosphere containing 0.01 percent by volume (100 p.p.m.) of isoamyl acetate vapor. Ten minutes shall be spent in work designed to provide observation on freedom from leaks, freedom of movement, and freedom from discomfort to the wearers. The time shall be divided as follows:

5 minutes____ Walking, moving head from side to side, nodding, and bending the body at the waist.

5 minutes____ Pumping air with a hand-operated tire pump into a 1-cubic foot cylinder to a pressure of 25 pounds per square inch gage, or equivalent work.

To meet the requirements of this test no isoamyl acetate shall be detected by odor in the air breathed, and undue encumbrance and discomfort shall not be experienced because of the fit or other features of the respirator.

§ 14a.31 Cartridge tests.

(a) *General.* Cartridges shall meet the requirements of the machine tests as set forth below. These tests are made on an apparatus that is constructed to allow the test atmosphere to enter the cartridges continuously at pre-determined concentrations and rates of flow, and that has means for determining the life of the cartridges. When two cartridges are used in parallel on a respirator, the tests will be performed with the cartridges arranged in parallel and the test requirements will apply to the combination rather than to the individual cartridges.

(b) *Low-rate-of-flow and high-rate-of-flow tests.* The test conditions and requirements for these tests are listed in Table 1.

TABLE 1—REQUIREMENTS FOR MACHINE TESTS

[Relative humidity of test atmosphere: 50±5 percent. Temperature: Room temperature (approximately 25° C.). Test atmosphere: Carbon tetrachloride vapor, 0.1 percent by volume (1,000 p.p.m.)]

	Number of cartridges [1]	Rate of air flow, liters per minute	Maximum allowable leakage, p.p.m.	Minimum life, minutes [2]
Low-rate-of-flow	3	32	5	100
High-rate-of-flow	2	64	5	50
Chemical stability	4	32	5	45

[1] This number refers to pairs of cartridges if 2 are used in parallel on the respirator.

[2] The values given for minimum life apply to each cartridge or to each pair of cartridges. Tests shall be continued until the maximum allowable leakage occurs.

(c) *Chemical stability.* The chemical stability of the cartridges under dry and humid conditions shall be determined as follows:

(1) Two cartridges or two pairs of cartridges shall be treated at room temperature [2] by passing carbon dioxide-free air of 25 percent relative humidity through them at a rate of 25 liters per minute for 6 hours.

(2) Two cartridges or two pairs of cartridges shall be treated at room temperature by passing carbon dioxide-free air of 85 percent relative humidity through them at a rate of 25 liters per minute for 6 hours.

(3) After this treatment, these cartridges shall be resealed as received, kept in an upright postion at room temperature, and tested within 18 hours under the conditions given in Table 1 for chemical stability.

§ 14a.32 Mechanical filter tests.

(a) *Tests for protection against dusts, fumes, and mists, excepting mists of paints, lacquers, and enamels.* Cartridges containing, or having attached to them, filters for protection against dusts, fumes, and mists, excepting mists of paints, lacquers, and enamels, will be tested to determine their ability to protect against the inhalation of organic vapors according to the requirements of § 14a.31 and, in addition, will be tested according to the requirements of Part 14 of this subchapter. However, the maximum allowable inhalation resistance of complete Type BE respirators, at a rate of air flow of 85 liters per minute, shall be 76 millimeters (3 inches) of water rather than 50 millimeters (2 inches) of water allowed for dust, fume, and mist respirators by Part 14 of this subchapter.

(b) *Tests for protection against mists of paints, lacquers, and enamels.* Cartridges containing, or having attached to them, filters for protection against mists of paints, lacquers, and enamels will be tested to determine their ability to protect against the inhalation of organic vapors according to the requirements of § 14a.31 and, in addition, will be tested under the following conditions: Number of respirators to be tested against each mist aerosol—3; temperature—room temperature, approximately 25° C; type of flow—continuous; rate of flow of aerosol to respirator—32 liters per minute; rate of flow of air through test chamber—20 to 25 air changes per minute; atomizer—Spraying Systems Company 1/4J Pneumatic Atomizing Nozzle with Set-up 1A, or equivalent, operating at an air pressure of 10 p.s.i. gage; test aerosol—lead paint mist, lacquer mist, and enamel mist.

(1) *Lead paint mist.* (i) The test aerosol shall be prepared by atomizing a mixture of eight volumes of red lead paint and one volume of mineral spirits. The red lead paint shall conform essentially to Federal Specifications TT-P-86a, Type I, May 4, 1949, and Amendment 1, April 27, 1951, and any later amendments and revisions of this specification. The concentration of lead (Pb) in the test aerosol shall be 95–125 milligrams per cubic meter.

(ii) The test aerosol shall be drawn to each respirator for a total of 312 minutes (equivalent to drawing 10 cubic meters of the test aerosol to each respirator).

(iii) Under these test conditions, the total amount of unretained mist, analyzed and calculated as lead (Pb), shall not exceed 1.5 milligrams for any one of the three respirators.

(2) *Lacquer mist.* (i) The test aerosol shall be prepared by atomizing a mixture of one volume of clear cellulose nitrate lacquer and one volume of lacquer thinner. The lacquer used shall conform essentially to Federal Specification TT-L-31, October 7, 1953, and any later amendments and revisions of this specification. The concentration of cellulose nitrate in the test aerosol shall be 95–125 milligrams per cubic meter.

(ii) The test aerosol shall be drawn to each respirator for a total of 156 minutes (equivalent to drawing 5 cubic meters of the test aerosol to each respirator).

(iii) Under these test conditions, the total amount of unretained mist, weighed as cellulose nitrate, shall not exceed 5 milligrams for any one of the three respirators.

(3) *Enamel mist.* (i) The test aerosol shall be prepared by atomizing a mixture of one volume of white enamel and one volume of turpentine. The enamel used shall conform essentially to Federal Specification TT-E-489b, May 12, 1953 (an enamel having a phthalic alkyd resin vehicle and a titanium dioxide pigment) and any later amendments and revisions of this specification. The concentration of pigment in the test aerosol, weighed as ash, shall be 95–125 milligrams per cubic meter.

(ii) The test aerosol shall be drawn to each respirator for a total of 312 minutes (equivalent to drawing 10 cubic meters of the test aerosol to each respirator).

(iii) Under these test conditions, the total amount of unretained mist, weighed as ash, shall not exceed 2 milligrams for any one of the three respirators.

§ 14a.33 Tests of complete nonemergency gas respirator.

(a) *Resistance to air flow.* There are no specific requirements for the resistance of the cartridges or mechanical filters to air flow; only the resistance of the complete respirator to air flow will be considered. The maximum allowable resistance of the complete respirator to a continuous flow of air at a rate of 85 liters per minute is as follows:

(1) Respirators for protection against organic vapors only: Inhalation, 50 millimeters (2 inches) of water; exhalation, 25 millimeters (1 inch) of water.

(2) Respirators for protection against (i) organic vapors and dusts, fumes, and mists, or (ii) organic vapors and mists of paints, lacquers, and enamels: Inhalation, 76 millimeters (3 inches) of water; exhalation, 25 millimeters (1 inch) of water.

(b) *Man tests.* (1) Complete nonemergency gas respirators will be worn by two persons in an atmosphere containing 0.5 percent by volume (5,000 p.p.m.) of carbon tetrachloride vapor.[3]

[2] For uniformity of test conditions, this temperature shall be between 23° and 27° C.

[3] A concentration of 5,000 p.p.m. was chosen to shorten the man-test time to about one-fifth of that required for 1,000 p.p.m. The use of this high concentration under carefully controlled laboratory conditions by experienced personnel does not in any way alter the maximum concentration for which approval will be granted, namely, 0.1 percent (1,000 p.p.m.) of organic vapors.

(2) During this test they will perform the following schedule of exercise:

5 minutes	Walking vigorously.
5 minutes	Sitting at rest.
10 minutes	Stationary running and calisthenic arm movements.
5 minutes	Sitting at rest.
5 minutes	Pumping air with a hand-operated tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch gage, or equivalent work.
5 minutes	Sitting at rest.

(3) The test will be continued until the odor of carbon tetrachloride is detected by the wearers, repeating the schedule if necessary.

(4) To meet the requirements of this test the respirators shall give complete respiratory protection to the wearers for 30 minutes. Undue discomfort must not be experienced because of fit or other physical or mechanical features of the respirator.

[F.R. Doc. 59-3963; Filed, May 11, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

Notice of Public Hearing To Consider Advisability of Prohibiting or Restricting Importation of Coffee Into Hawaii Because of Coffee Berry Borer and Rust Disease

The Administrator of the Agricultural Research Service has information that an injurious coffee insect (Stephanoderes (coffeae Hgdn.) hampei Ferr.), known as the coffee berry borer, and an injurious rust disease caused by the fungus Hemileia vastatrix B. an Br., new to and not heretofore widely prevalent or distributed within and throughout the United States, exist in various countries and localities throughout the world, and that there is danger of introducing these pests into Hawaii with the coffee plant, and parts thereof, and possibly with containers previously used for unroasted coffee.

Therefore, under sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), it is necessary to consider the advisability of prohibiting or restricting the importation into Hawaii (including movement through Hawaii) of (1) the seeds or beans of coffee or samples thereof, which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the U.S. Department of Agriculture will have destroyed coffee borers in all stages, (2) coffee berries or fruits, (3) coffee plants and leaves, and (4) containers previously used for unroasted coffee.

Such a quarantine and supplementary regulations would appear in the Subpart "Coffee" in 7 CFR Part 319, as amended.

Notice is hereby given, in accordance with said sections 5 and 7, that a public hearing will be held before a representative of the Agricultural Research Service in Room 3115 of the South Building of the U.S. Department of Agriculture, 12th Street and Independence Avenue SW., Washington, D.C., at 10 a.m. June 11, 1959, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., on or before June 11, 1959, or with the presiding officer at the hearing.

Done at Washington, D.C., this 7th day of May 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-3991; Filed, May 11, 1959; 8:48 a.m.]

Commodity Stabilization Service

[7 CFR Part 813]

DOMESTIC BEET SUGAR AREA

Recommended Decision and Opportunity To File Written Exceptions With Respect to Allotment of 1959 Sugar Quota for Consumption Within Continental United States

In F.R. Doc. 59-3667, appearing at page 3377 of the FEDERAL REGISTER issued Thursday, April 30, 1959, a plus adjustment to the base allotment for the Michigan Sugar Company was erroneously omitted which affected its allotment. As a result the adjustments to the base allotments and the allotments for the firms with minus inventory adjustments were in error.

Accordingly, the Federal Register document cited above is hereby corrected as follows:

1. The table appearing in paragraph (5) of the Findings and Conclusions is corrected by substituting the following table:

Processor	Processings from 1958-crop beets		Average marketings within allotments 1954-58		Base allotments		January 1 effective inventories, hundredweight refined			Adjustments to base allotments		Processor[1] allotments, short tons, raw value, (col. 6 + or − col. 11)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total	Percent of total (col. 2× 0.75+ col. 4× 0.25)	Short tons raw value (col. 5× quota)	1959	1954-58 average adjusted to col. 7 total	1959 inventory imbalances (col. 7− col. 8)	Hundredweight refined[1]	Short tons, raw value, (col. 10× 0.0535)	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The	5,900,000	14.2958	4,809,557	13.0474	13.9837	279,494	4,383,802	3,818,882	+564,920	+45,758	+2,448	281,942
American Crystal Sugar Co	5,084,915	12.3208	5,167,539	14.0186	12.7453	254,742	3,969,779	4,673,767	−703,988	−60,622	−3,243	251,499
Buckeye Sugars, Inc	200,670	.4862	177,162	.4806	.4848	9,692	142,004	145,198	−3,194	−275	−14	9,678
Franklin County Sugar Co	190,262	.4610	191,459	.5194	.4756	9,506	108,399	109,496	−1,097	−95	−5	9,501
Great Western Sugar Co., The	10,391,806	25.1795	8,679,707	23.5464	24.7712	495,106	8,041,947	7,369,729	+672,218	0	0	495,106
Holly Sugar Corp	6,300,000	15.2650	5,977,830	16.2167	15.5029	309,859	4,761,471	5,218,300	−456,829	−39,339	−2,104	307,755
Layton Sugar Co	225,909	.5474	180,556	.4898	.5330	10,653	179,353	161,326	+18,027	+474	+25	10,678
Menominee Sugar Co	359,751	.8717	226,729	.6151	.8076	16,142	202,754	75,623	+127,131	+29,892	+1,599	17,741
Michigan Sugar Co	1,730,000	4.1918	1,287,096	3.4916	4.0168	80,284	1,239,882	966,127	+273,755	+44,286	+2,369	82,653
Monitor Sugar Div., Robert Gage Coal Co	712,141	1.7255	599,989	1.6277	1.7010	33,998	473,056	445,591	+27,465	0	0	33,998
National Sugar Mfg. Co., The	173,048	.4193	93,238	.2529	.3777	7,549	120,958	62,568	+58,390	+13,033	+697	8,246
Northern Ohio Sugar Co	653,701	1.5839	454,759	1.2337	1.4964	29,909	382,675	244,370	+138,305	+28,467	+1,523	31,432
Spreckels Sugar Co	4,100,000	9.9344	3,960,962	10.7454	10.1371	202,612	2,672,452	2,941,984	−269,532	−23,210	−1,242	201,370
Union Sugar Div., Consolidated Foods Corp	1,348,743	3.2680	1,430,085	3.8796	3.4209	68,374	1,084,044	1,271,094	−187,050	−16,107	−862	67,512
Utah-Idaho Sugar Co	3,900,000	9.4497	3,625,412	9.8351	9.5460	190,797	2,796,640	3,055,161	−258,521	−22,262	−1,191	189,606
Total	41,270,946	100.0000	36,862,080	100.0000	100.0000	1,998,717	30,559,216	30,559,216	±1,880,211	±161,910	±8,661	1,998,717

[1] Determined as follows: Plus (+) adjustments = (Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8) × (25 percent); minus (−) adjustments = the total of (+) adjustments in Col. 10, amounting to 161,910 cwt., prorated to processors on the basis of (−) quantities in Col. 9.

2. The table appearing under the order set forth in § 813.1(a) is corrected by substituting the following table:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	281,942	5,269,944
American Crystal Sugar Co.	251,499	4,700,916
Buckeye Sugars, Inc.	9,678	180,897
Franklin County Sugar Co.	9,501	177,589
Great Western Sugar Co., The	495,106	9,254,318
Holly Sugar Corp.	307,755	5,752,430
Layton Sugar Co.	10,678	199,589
Menominee Sugar Co.	17,741	331,607
Michigan Sugar Co.	82,653	1,544,916
Monitor Sugar Div., Robt. Gage Coal Co.	33,998	635,477
National Sugar Manufacturing Co., The	8,246	154,131
Northern Ohio Sugar Co.	31,432	587,514
Spreckels Sugar Co.	201,370	3,763,925
Union Sugar Div. of Consolidated Foods Corp.	67,512	1,261,906
Utah-Idaho Sugar Co.	189,606	3,544,037
Any other person	0	0
Total	1,998,717	37,359,196

Interested persons may file written exceptions to the Recommended Decision and Proposed Order set forth at 24 F.R. 3377 as corrected by this document with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 10 days after the date of filing of this correcting document with the Hearing Clerk, which date shall be the date of publication of this document in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exceptions.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 6th day of May 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-3993; Filed, May 11, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[44 CFR Part 401]

IMPORTATION INTO UNITED STATES OF NONAGRICULTURAL FOREIGN EXCESS PROPERTY

Notice of Proposed Rule Making

Insofar as the Administrative Procedure Act may be applicable herein, notice is hereby given of the proposed amendment of Foreign Excess Property Order No. 1 (Revised), Importation Into the United States of Nonagricultural Foreign Excess Property (24 F.R. 366).

The purpose of the proposed amendment is to provide an additional procedure to enable certain foreign excess property to be imported in bond for special uses or purposes other than for reexport where a finding can properly be made that importation for such special uses or purposes would relieve a domestic shortage or otherwise be beneficial to the economy of this country. This amendment is considered necessary and desirable since there is no effective way at the present time by which the utilization or disposition of property can be controlled after it has been imported into the United States. In consequence, it has been necessary to deny certain applications for importation of foreign excess property which might otherwise have been granted if an appropriate bonding procedure had been available.

The proposed amendment will consist of a new section of Foreign Excess Property Order No. 1 (Revised) to be designated § 401.9a, *Entries in bond other than for reexport.*

It is proposed to make § 401.9a effective upon the date of its publication in the FEDERAL REGISTER which will be not less than 30 days subsequent to the date of publication of this notice.

It is proposed to publish § 401.9a in substantially the following form:

§ 401.9a Entries in bond other than for reexport.

(a) If an applicant for an FEP Import Determination or FEP Import Authorization elects to do so, he may specify in his application that the foreign excess property which he proposes to import will be processed, reprocessed, disposed of, or otherwise dealt with in a stated manner. If the FEPO determines that importation of the property under the specified conditions would relieve a domestic shortage or otherwise be beneficial to the economy of this country, but that importation of such property for any different use or purpose would not satisfy these criteria, he may authorize importation of such property upon condition that the applicant, prior to or concurrently with entry of the property, furnish a bond with sufficient surety to the Collector of Customs at the port of entry of such property. Such bond shall conform to Bureau of Customs Forms 7551 or 7555, and shall contain such added special condition or conditions as may be appropriate to the case. The penal sum of any such bond shall be three times the value of the property to be imported.

(b) The special condition or conditions of every bond proposed to be authorized under paragraph (a) of this section shall be submitted by the FEPO to the Commissioner of Customs for his concurrence. No conditional FEP Import Determination or conditional FEP Import Authorization shall be issued with respect to any property unless and until the concurrence of the Commissioner of Customs with respect to the special condition or conditions of the bond applicable thereto shall have been received by the FEPO.

(c) Upon receipt of concurrence of the Commissioner of Customs in the special condition or conditions of a proposed bond, the FEPO may issue a conditional FEP Import Determination or conditional FEP Import Authorization as provided in this section. Such conditional FEP Import Determination or conditional FEP Import Authorization shall specify the condition or conditions under which the foreign excess property described therein may be imported into the United States, and shall set forth the special condition or conditions of the bond provided for in this section. The property described therein may thereupon be imported only upon presentation of a conditional FEP Import Authorization in due form, accompanied by an appropriate surety bond, to the Collector of Customs at the port of entry of such property.

(d) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds, and for the enforcement thereof.

Interested persons may submit to the Foreign Excess Property Officer, Room 4221, Department of Commerce, Washington 25, D.C., data, views or arguments in writing but not orally relative to the proposed issuance of § 401.9a. All relevant material received within 20 days following the day of publication of this notice will be considered.

Dated: May 6, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F.R. Doc. 59-3974; Filed, May 11, 1959; 8:47 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-62]

UNIVERSITY OF VIRGINIA

Notice of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued to University of Virginia, Amendment No. 2, set forth below, to Construction Permit No. CPRR-15 extending the latest date for completion of construction of the research reactor facility to be located near Charlottesville, Virginia, for one year to July 1, 1960.

Dated at Germantown, Md., this 1st day of May 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[Construction Permit CPRR-15; Amdt. 2]

Condition A of Construction Permit No. CPRR-15, as amended by Amendment No. 1, is hereby further amended by changing the second sentence thereof to read as follows:

The latest date for completion of the reactor is July 1, 1960.

Date of issuance: May 1, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-3961; Filed, May 11, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

May 1959 Monthly Sales List

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on credit sales made in May under the Export Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4 percent per annum.

For periods over 6 months up to and including 18 months, 4½ percent per annum.

For periods over 18 months up to and including 36 months, 5 percent per annum.

NOTICE TO BUYERS

If CCC does not have adequate information as to the financial responsibility of prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct.

If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Office and therefore generally they do not appear in the Monthly Sales List.

NOTICE TO EXPORT BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic, unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products	All sales are under LD-29 and amendments. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. Domestic prices: For unrestricted use price is "in store"[1] at storage locations of products. For restricted use price is on the basis of delivery f.o.b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-29. Export prices are on the basis of delivery f.a.s. vessel or at buyers option f.o.b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-29. During May, Commodity Credit Corporation's sales price for butter and nonfat dry milk for export shall be 7.0 cents per pound for nonfat dry milk and 37.0 cents per pound for butter: *Provided, however,* That Commodity Credit Corporation's prices for these commodities if used to fulfill contractual commitments with foreign buyers entered into prior to February 1, 1959, shall be the export prices in effect for export sales of these products by Commodity Credit Corporation during the month of January 1959, unless an amendment to such contractual commitment is made providing for a decrease in the respective prices to the foreign buyers equal to the differences between Commodity Credit Corporation's January and May 1959 prices: *Provided, further,* That Commodity Credit Corporation's prices for these commodities if used to fulfill any contractual commitments entered into prior to February 1, 1959, with U.S. Government Agencies which execute the certificates required by paragraph 11(c) of LD-29, shall be the export prices in effect for export sales of these products by Commodity Credit Corporation during the month of January 1959. Offers to purchase from Commodity Credit Corporation butter and nonfat dry milk for export shall state (1) "Offer is made pursuant to Announcement LD-29 and to the pricing and other conditions set forth in the May 1959 Monthly Sales List published in the FEDERAL REGISTER," (2) whether offer is to fulfill Public Law 480 commitments, and (3) either (a) date of contract of sale to foreign buyer or U.S. Government Agency if such date is prior to February 1, 1959, and whether the sales prices to the foreign buyers have been reduced as required or (b) the exportation of "dairy products purchased will not be pursuant to any sale or contract of sale made prior to February 1, 1959." Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use: 66.25 cents per pound, New York, Pennsylvania, New Jersey, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.5 cents per pound, Washington, Oregon, and California. All other States 65.25 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of other products made from chocolate, 39 cents per pound. The slight change from the April price is due to the small changes in the parity price for milk and butterfat, as of the beginning of the marketing year, from the parity prices published February 27. Export, unrestricted use: 37 cents per pound.
Nonfat dry milk, Spray, Roller, as available.	Domestic, unrestricted use: Spray process, U.S. extra grade; in barrels and drums, 16.0 cents per pound; in bags, 15.15 cents per pound. Roller process, U.S. extra grade; in barrels and drums, 14.00 cents per pound; in bags, 13.15 cents per pound. Domestic, restricted use: (animal and poultry feed): in barrels, drums, or bags, 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U.S. extra grade, in barrels, drums, or bags, 7.0 cents per pound.
Cheddar Cheese: cheddars, flats, twins, rindless blocks (standard moisture basis).	Domestic: 38.0 cents per pound for New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 37.0 cents per pound. Export: 35 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, (Revision 1), as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements CN-Ex-5 and NO-C-11, as amended.
Cotton, extra long staple	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Catalogs for upland and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wheat, bulk	Domestic: Commercial wheat-producing area: A. For wheat stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing wheat: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 25 cents per bushel if received by truck or (2) 20 cents per bushel if received by rail or barge. B. For wheat not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 25 cents per bushel if received by truck or 20 cents if received by rail, plus (2) any reductions in freight rates, in effect at time of sale, from those in effect on May 1, 1958, from the point of storage to the designated terminal.[2] Examples of the foregoing minimum per bushel (e-rail or barge): Chicago, No. 1 RW ..... $2.35 Minneapolis, No. 1 DNS ..... 2.40 Kansas City, No. 1 HW ..... 2.35 Portland, No. 1 SW ..... 2.25 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. If delivery is outside the area of production, applicable freight will be added to the above.

See footnotes at end of table.

Commodity	Sales price or method of sale
Wheat, bulk—Continued	Export, (as wheat): Under Announcement GR-261 revised, as amended, for application to barter contracts and approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1958 applicable loan rate for corn produced in compliance with 1958 acreage allotments plus: (1) a markup of 18 cents per bushel for corn in storage at point of production, (2) a markup of 20 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively. Chicago ..... $1.75½ Minneapolis ..... 1.64¾ Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 133 percent of the applicable 1958 loan rate plus markups as above. Nonstorable corn, unrestricted use (as available): At other than bin sites, through the offices indicated below. At bin sites, through ASC County Offices. Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.
Oats, bulk	Domestic: Market price, basis in store,[2] but not less than the 1958 applicable loan rate, plus (1) a markup of 15 cents per bushel for oats in storage at point of production, (2) a markup of 17 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, No. 3 oats or better ..... $0.86¼ Minneapolis, No. 3 oats or better ..... .80½ Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland and Dallas CSS Commodity Offices.
Barley, bulk	Domestic: A. For barley stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing barley: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 19 cents per bushel if received by truck or (2) 16 cents per bushel if received by rail or barge. B. For barley not included under A above: Market price but not less than the 1958 applicable loan rates plus (1) 19 cents per bushel if received by truck or 16 cents per bushel if received by rail, plus (2) any reductions in freight rates in effect at time of sale from those in effect on May 1, 1958, from the point of storage to the designated terminal.[3] If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better ..... $1.34 Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland and Dallas CSS Commodity Offices.
Rye, bulk	Domestic: A. For rye stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing rye: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 22 cents per bushel if received by truck or (2) 17 cents per bushel if received by rail or barge. B. For rye not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 22 cents per bushel if received by truck or 17 cents per bushel if received by rail, plus (2) any reductions in effect on May 1, 1958, from the point of storage to the designated terminal.[3] If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better ..... $1.51 Export: Under Announcement GR-212, revised, amended, for application to approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Domestic: Evanston, Minneapolis, Kansas City, and Portland CSS Commodity Offices. Export: Minneapolis, Evanston, Portland, Dallas and Kansas City CSS Commodity Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Grain sorghums, bulk	Domestic: A. For grain sorghums originating in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington or stored at any designated terminal set forth in CCC Price Support Bulletin Supplement and transit billing grain sorghums: Market price basis in store but not less than the 1958 applicable loan rates plus (1) 39 cents per hundredweight if received by truck or (2) 30 cents per hundredweight if received by rail or barge. B. For grain sorghums not included under A above: Market price but not less than the 1958 applicable loan rate plus (1) 39 cents per hundredweight if received by truck or 30 cents per hundredweight if received by rail, plus (2) any reductions in effect on May 1, 1958, from the point of storage to the designated terminal.[3] If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better ..... $2.61 Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368, for Feed Grain Payment-in-Kind Program. Available Domestic: Dallas, Portland, Kansas City, Minneapolis, and Evanston CSS Commodity Offices. Export: Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than equivalent 1958 loan rate for rough rice by varieties and grade plus 5 percent adjusted for milling, plus 73 cents per hundredweight basis in store. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Example of minimum prices of milled rice per hundredweight, at mills: **U.S. No. 3 / U.S. No. 4** Blue Bonnet ..... 10.33 / 9.63 Century Patna ..... 9.40 / 8.80 Export: Under GR-379 for application to approved barter contracts and approved credit sales. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Special export: Competitive bid for California Rice under GR-PD-99 revised.
Rice, rough	Domestic: Market price but not less than the 1958 loan rate plus 5 percent, plus 55 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369 Rice Export Program Payment-in-Kind, and under GR-379 for approved barter contracts and approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices.
Dry edible beans (bagged) (as available).	Domestic: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1958 price support differential. **Class / Price per hundredweight / Area of production / CSS Commodity Office** Small Red ..... $7.34 / Idaho ..... / Portland. Pink ..... 7.18 / California ..... / Do. Other classes offered as available at comparable prices. Export: Competitive bids under Announcement GR-376 for the classes offered by the Office listed above.
Soybeans, bulk 1957 crop (as available).	Domestic for crushing or export: Market price basis in store but not less than the 1957 basic loan rate for No. 2 grade, basis point of production plus 5 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Sales for application to barter contracts will be made under GR-212, revised, amended. Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Flaxseed, bulk (as available)	Domestic for crushing or export: Market price basis in store but not less than the 1958-crop support rate for grade No. 1 with 10.6–11.0 moisture. Premiums and discounts provided in loan bulletin to apply to other qualities. Available Portland and Minneapolis CSS Commodity Offices.

Commodity	Sales price or method of sale
Peanuts, shelled	Domestic, unrestricted use: Market price but not less than 1958 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges, under Announcement 3 by the Dallas CSS Commodity Office. Examples of the foregoing minimum price per pound: Virginias: Extra Large — 24.30 cents per pound Medium — 22.23 No. 1 — 20.12 Sales of Extra Large Virginias will be made at these minimum prices for May only when 35 percent or more of the quantity purchased is of No. 1's. If only Extra Large are bought, the price will be 1 cent per pound higher. Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Cottonseed oil refined	Domestic or export: Competitive bid under the terms and conditions of Announcement NO-CS-2 as amended. CCC will not accept any bid of less than 12.48 cents per pound, f.o.b. storage location, basis bleachable prime summer yellow as defined in the rules of the National Cottonseed Products Association. Available New Orleans CSS Commodity Office.
Tung oil	Export: Competitive bid under Announcement CT-OP-10 by Cincinnati CSS Commodity Office.
Burley tobacco	Domestic or export, unrestricted use: Competitive bid and/or fixed prices under the terms and conditions of announcement to be issued. This announcement will cover a limited quantity (about 11 million pounds). Copies of such announcement, when issued, may be obtained from the Tobacco Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.
Gum turpentine	Domestic: Offer and acceptance basis, bulk in tanks, in the stated quantities and in the designated storage tanks subject to the prices and terms and conditions of Announcement TB-21-59 and supplements thereto which will be issued monthly. Available through ATFA, Valdosta, Ga. Export: Competitive bid bulk in storage tanks subject to Announcement TB-21-59 and supplements thereto.
Gum rosin	Domestic: Offer and acceptance basis, in galvanized metal drums (averaging 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21-59 and supplements thereto which will be issued monthly. Available through the American Turpentine Farmers Assn. Coop., Valdosta, Ga. Export: Competitive bid in storage, subject to Announcement TB-21-59 and supplements thereto.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

[3] This provision is necessary to insure continuation of CCC sales at terminal locations in their normal ratio to sales at non-terminal locations. The minimum sales prices of these grains at affected locations will be increased by an amount corresponding to any decrease since May 1, 1958, in the freight rates from the point of storage to a designated terminal. CSS Commodity Offices will furnish freight rate information upon request.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: May 6, 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-3992; Filed, May 11, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Eastern States Office Order 9]

DISCONTINUANCE OF LAND CLASSIFICATION AND FORESTRY OFFICE, BEMIDJI, MINN., AND DELEGATION OF AUTHORITY TO MANAGER, BUREAU OF LAND MANAGEMENT, ST. PAUL, MINN.

MAY 6, 1959.

Pursuant to the authority contained in section 4.1 of Bureau Order No. 541 as amended and subject to the limitations contained therein, it is hereby ordered that the Land Classification and Forestry Office, Bemidji, Minnesota, shall be discontinued effective at the close of business on May 1, 1959. The business and necessary archives of that office shall be transferred to the Bureau of Land Management Office, 316 Midland Building, 8 East Sixth Street, St. Paul 1, Minnesota, which shall be established and maintained effective as of May 4, 1959.

The Manager of the Bureau of Land Management Office at St. Paul is authorized to perform within his geographical area of jurisdiction, comprising the States of Michigan, Minnesota and Wisconsin, in accordance with existing policies, regulations and procedures of this Bureau and under the direct supervision of the Supervisor, Eastern States Office, the functions of the Director, Bureau of Land Management, listed below unless specifically limited.

(a) *Cancellations or surrenders of contracts, leases, and permits.* Make partial or complete cancellations or accept surrenders of contracts, leases, and permits.

(b) *Copies of records.* On matters in which he is authorized to act, the manager may take all actions on requests for copies of records.

(c) *Government contests.* Initiate Government contests against claims asserted to public lands.

(d) *Bonds.* Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under his jurisdiction.

(e) *Trespass.* Determine liability and accept damages for trespass on the public lands, and dispose of resources recovered in trespass cases for not less than the appraised value thereof, under 43 CFR Part 288.

(f) *Classification of lands.* Classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. sec. 315f), or pursuant to other laws under 43 CFR Part 296.

(g) *Disposition of forest products.* Take all actions relating to the disposal of forest products when authorized by law, under 43 CFR Part 259. This authority shall not include the approval of any sale of timber in excess of 10,000,000 feet, board measure.

(h) *Material other than forest products.* Take all actions relating to any sale or contract for the sale of material other than forest products, or the free use of materials other than forest products, under 43 CFR Part 259.

(i) *Color-of-title and riparian claims.* Take all actions relating to color-of-title and riparian claims, under 43 CFR Parts 140 and 141.

(j) *Homesteads.* Take all actions on homesteads pursuant to 43 CFR Parts 166 and 170.

(k) *Public sales.* (1) Take all actions on public sales pursuant to 43 CFR Part 250, and other sales of land by competitive bidding when authorized by law.

(2) Applications by and sales to aliens, associations having an appreciable number of alien members, and corporations whose stock to an appreciable extent is held by aliens, are subject to approval by the Secretary of the Interior.

(l) *Small tracts.* Take all actions with respect to small tracts, under the Act of June 1, 1938 (52 Stat. 609), as amended by the Act of June 8, 1954 (68 Stat. 239; 43 U.S.C. 682a), under 43 CFR Part 257.

(m) *Special land-use permits.* Take all actions in issuing special land-use permits for public lands, pursuant to 43 CFR Part 258.

L. T. HOFFMAN,
Supervisor,
Eastern States Office.

Approved:

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F.R. Doc. 59-3962; Filed, May 11, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-615]

ALF TOMSEN & CO.

Order Further Extending Order Temporarily Denying Export Privileges

In the matter of Alf Tomsen & Co., Warburgstrasse 33, Hamburg 36, Federal Republic of Germany, File 23-615, respondent.

An order heretofore having been made denying temporarily to the respondent, Alf Tomsen & Co., all privileges of participating in exportations from the United States (24 F.R. 438, Jan. 17, 1959), which order was extended by an order dated February 13, 1959 (denying, at the same time, an application by Alf Tomsen & Co. for an order vacating the said order of temporary denial, 24 F.R. 1292, Feb. 19, 1959), and a further order dated

April 3, 1959 (24 F.R. 2813, Apr. 11, 1959);

And the respondent not having appealed from the order denying its application, although duly served with a copy thereof and of the Compliance Commissioner's Report, nor having made any additional motion to vacate or modify the extended denial order;

And the Director of the Investigation Staff, Bureau of Foreign Commerce, having applied for a further extension of said denial order, which application the Compliance Commissioner has recommended be granted;

Now, after careful consideration of the record herein, and having concluded that the continued denial of export privileges to the respondent and parties related to it is reasonably necessary to protect the public interest, it is, this 1st day of May 1959, hereby ordered:

That the order of January 14, 1959, denying to the respondent all privileges of participating in exportations from the United States be and the same hereby is further extended to and including the completion of the compliance proceeding which is about to be commenced against it.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-3972; Filed, May 11, 1959; 8:46 a.m.]

Maritime Administration

[Docket No. S-90]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the *"SS Mormacsun,"* which is under time charter to States Marine Lines to engage in one intercoastal voyage commencing at United States North Pacific ports on or about June 2, 1959, to load general and lumber cargo for discharge at United States North Atlantic and/or United States Gulf ports. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Maritime Administrator for May 27, 1959, at 10:00 a.m., e.d.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on May 26, 1959, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on May 26, 1959, will not be granted in this proceeding.

Dated: May 11, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-4068; Filed, May 11, 1959; 12:20 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12822; FCC 59M-593]

OX-WALL PRODUCTS MANUFACTURING CO., INC.

Order Continuing Hearing

In the matter of cease and desist order to be directed to Ox-Wall Products Manufacturing Company, Inc., 50 Wall Street, Oxford, New Jersey, Docket No. 12822.

Upon oral motion of counsel for the Commission's Field Engineering and Monitoring Bureau and with the concurrence of the respondent in the above-entitled matter: *It is ordered,* This 6th day of May 1959, that the hearing presently scheduled for May 14, 1959, be, and it is, continued without date.

Released: May 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3980; Filed, May 11, 1959; 8:48 a.m.]

[Docket No. 12733; FCC 59M-578]

NORMAN E. KAY

Order Continuing Hearing

In re application of Norman E. Kay, Del Mar, California, Docket No. 12733, File No. BP-12089; for construction permit.

The Hearing Examiner having under consideration a letter dated April 30, 1959, from counsel for the applicant requesting that the hearing now scheduled for May 7 be rescheduled;

It appearing that good cause has been shown and that counsel for other parties to the proceeding have consented to a grant of the request;

It is ordered, This 4th day of May 1959, that the hearing now scheduled for May 7 is continued to July 2, 1959.

Released: May 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3981; Filed, May 11, 1959; 8:48 a.m.]

[Docket Nos. 10844, 10845; FCC 59-422]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

Memorandum Opinion and Order Reopening Record for Further Hearing on Stated Issues

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT-1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10845, File No. BPCT-1157; for construction permits for new commercial television broadcast stations (Channel 13).

1. On August 6, 1957, the Commission granted the application of Radio Associates for a construction permit for a television station to operate on Channel 13 in Biloxi, Mississsippi, and denied the competing application of WLOX Broadcasting Company.[1] WLOX appealed to the United States Court of Appeals for the District of Columbia Circuit which Court on September 18, 1958, reversed and remanded the case to the Commission with instructions.[2] Subsequently, upon petition for partial rehearing filed by the Commission, the Court modified its September 18 decision to the extent of deleting footnote 2 on page 7 of the slip opinion. The Commission is now called upon to initiate the further proceedings required by the Court's decision.

2. The Court stated that the presently existing loan agreement between Edward Ball and Radio Associates should be in writing, with terms and conditions fully expressed. Therefore, an issue will be added to ascertain the terms and conditions of this agreement, and at the further hearing Radio Associates should submit a written copy of this agreement.

3. The Court further stated that Edward Ball will be considered to be a principal of Radio Associates unless additional evidence shows otherwise. Accordingly, an additional issue is necessary to ascertain whether there is any additional evidence bearing upon Mr. Ball's status as a principal of Radio Associates.

4. Finally the Court remanded the proceeding to the Commission to re-examine the financial qualifications of the applicants and to make basic and ultimate findings with respect thereto. Literally read, this portion of the remand would require the Commission to re-examine the financial qualifications of WLOX as well as Radio Associates. However, since no question has been raised by the parties or the Commission at any stage in the proceeding concerning the financial qualifications of WLOX and in view of the Court's action in response to the Commission's petition for partial rehearing in deleting footnote 2 on page 7

[1] 23 FCC 217, 10 RR 1073.

[2] WLOX Broadcasting v. FCC (C.A.D.C.; 1958)—U.S. App. D.C. —, 260 F. 2d 712, 17 RR 2120.

of the slip opinion,[3] the Commission interprets the rule of the Court to require only that an issue be specified in response to which additional findings can be made with respect to the financial qualifications of Radio Associates.

Accordingly, in view of the foregoing: *It is ordered,* This 6th day of May 1959, that the record in this proceeding is reopened and remanded to the examiner for further hearing and for the preparation of a Supplemental Initial Decision, said further hearing to be held at the offices of the Commission in Washington, D.C., at a time and date subsequently to be specified; and

It is further ordered, That the further hearing be upon the following issues:

(1) To determine the terms and conditions of the existing loan agreement between Edward Ball and Radio Associates;

(2) To determine in the light of any additional evidence which may be introduced whether Edward Ball should be treated as a principal of Radio Associates;

(3) To determine whether Radio Associates is financially qualified to construct, own and operate the facilities applied for; and

(4) To conclude on the basis of the foregoing determinations whether the Commission's grant to Radio Associates hereinbefore made should be affirmed or otherwise disposed of.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3982; Filed, May 11, 1959; 8:48 a.m.]

[Docket Nos. 12865, 12866; FCC 59M-581]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)

Order Scheduling Hearing

In re applications of Chronicle Publishing Company (KRON-TV), San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401; for construction permits to increase antenna height.

It is ordered, This 4th day of May 1959, That Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 6, 1959, in Washington, D.C.

Released: May 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3983; Filed, May 11, 1959; 8:48 a.m.]

[Docket No. 12864; FCC 59M-580]

VIRGIN ISLANDS BROADCASTING SYSTEM

Order Scheduling Hearing

In re application of Mary Louise Vickers, tr/as Virgin Islands Broadcasting System, Christiansted, Virgin Islands, Docket No. 12864, File No. BMP-8149; for additional time to construct Station WDTV.

It is ordered, This 4th day of May 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 6, 1959, in Washington, D.C.

Released: May 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3984; Filed, May 11, 1959; 8:48 a.m.]

[Docket No. 12864; FCC 59M-580]

VIRGIN ISLANDS BROADCASTING SYSTEM

Order Scheduling Hearing

In re application of Mary Louise Vickers, tr/as Virgin Islands Broadcasting System, Christiansted, Virgin Islands, Docket No. 12864, File No. BMP-8149; for additional time to construct Station WDTV.

It is ordered, This 4th day of May 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 6, 1959, in Washington, D.C.

Released: May 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3986; Filed, May 11, 1959; 8:48 a.m.]

[Docket No. 12860 etc.; FCC 59M-579]

WILLIAM PARMER FULLER III ET AL.

Order Scheduling Hearing

In re applications of William Parmer Fuller III, Salt Lake City, Utah, Docket No. 12860, File No. BP-11727; James C. Wallentine, tr/as Kanab Broadcasting Co., Kanab, Utah, Docket No. 12861, File No. BP-11813; L. John Miner, tr/as Inland Empire Broadcasting Co., Price, Utah, Docket No. 12862, File No. BP-11907; Cache Valley Broadcasting Company (KVNU), Logan, Utah, Docket No. 12863, File No. BP-12017; for construction permits.

It is ordered, This 4th day of May 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 6, 1959, in Washington, D.C.

Released: May 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3985; Filed, May 11, 1959; 8:48 a.m.]

[Docket Nos. 10286, 10287; FCC 59M-583]

ENTERPRISE CO. AND BEAUMONT BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re applications of The Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT-743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT-762; for construction permits for new television stations (Channel 6).

The Hearing Examiner having under consideration the above-entitled proceeding and Order, released April 30, 1959, reopening the record and remanding the proceeding herein to the Hearing Examiner for further hearing;

It is ordered, This 5th day of May 1959, that a prehearing conference is scheduled herein for May 15, 1959, at 10:00 a.m.

Released: May 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3987; Filed, May 11, 1959; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B-962]

GOB SHOPS OF AMERICA, INC.

Order Permanently Suspending Exemption

MAY 6, 1959.

Gob Shops of America, Inc. having on January 21, 1957, filed a notification for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, pursuant to section 3(b) thereof and Regulation A thereunder, with respect to a proposed public offering of 240,000 shares of its 30 cents par value common stock;

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[3] This footnote read as follows: "It also erred as to such finding with respect to the other applicant, because it made no findings of basic fact, but we are now concerned principally with the error committed in connection with the financial responsibility finding concerning the party to whom the award was made."

[4] Statement of Commissioner Lee filed as part of original document.

Gob Shops of America, Inc. having on May 22, 1957, requested withdrawal of its notification;

The Commission having on July 25, 1957, temporarily suspended the aforesaid exemption pursuant to Rule 261 of Regulation A;

The Commission having ordered a hearing to determine whether to vacate the order of temporary suspension or to enter an order permanently suspending the exemption, and whether the request for withdrawal should be granted or denied;

A hearing having been held after appropriate notice, a motion to dismiss the proceedings having been filed, a recommended decision having been submitted by the hearing examiner, exceptions thereto and briefs having been filed, and the Commission having heard oral argument;

The Commission having this day issued its Findings and Opinion; on the basis of said Findings and Opinion

It is ordered, That the motion to dismiss the proceedings and the request for withdrawal of the notification of Gob Shops of America, Inc. be, and they hereby are, denied, and that, pursuant to Rule 261 of Regulation A under the Securities Act of 1933, the exemption from registration with respect to the proposed public offering of securities by Gob Shops of America, Inc. be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-3968; Filed, May 11, 1959; 8:46 a.m.]

[File No. 70-3794]

GENERAL PUBLIC UTILITIES CORP.

Notice of Filing Regarding Proposed Charter Amendment and Solicitation of Proxies

MAY 4, 1959.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 thereunder as applicable to the proposed transactions, which are summarized as follows:

GPU proposes to amend its Certificate of Incorporation to provide for a reclassification of its authorized and outstanding shares of capital stock, all of which is common stock. Under the proposed amendment, the total number of shares of capital stock which GPU will have authority to issue will be 24,970,000 shares of a par value of $2.50 per share in lieu of the presently authorized 12,485,000 shares of the par value of $5.00 per share. The 10,934,493 outstanding shares of the par value of $5 per share, of which 63,790 shares are held in the company's treasury will be reclassified into 21,868,986 shares of $2.50 par value, of which 127,850 shares will be held in the company's treasury. The proposal will result in a split of the capital stock on a two-for-one basis without any change in the aggregate par value of the authorized and outstanding shares.

The proposed amendment will require the affirmative vote of the holders of record of not less than two-thirds of the outstanding shares of GPU's capital stock. GPU will call a special meeting of the stockholders to consider and act upon the amendment and will solicit proxies from the stockholders to be voted thereon at the meeting.

GPU proposes to file with the Office of the Secretary of the State of New York, a Certificate of Amendment of the Certificate of Incorporation of GPU which will become effective upon the filing thereof. The filing of said amendment will occur after the conclusion of trading on the New York Stock Exchange on the date selected and after the closing of the transfer office maintained by GPU for the transfer of the common stock.

By the terms of the amendment each outstanding certificate will continue to evidence, after the effective date of the amendment, the same number of shares which it represented immediately prior to the amendment. The holders of record at the time of the filing of the amendment will receive certificates evidencing the additional shares resulting from the split. Thus, after the filing of the amendment, each stock certificate, whether old or new, will represent shares of $2.50 par value.

GPU believes that because of the lower price at which the shares will be traded after the proposed split-up, they will sell in larger volume on the Exchange, and will become more attractive to investors.

It is stated that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed amendment to the Certificate of Incorporation or the solicitation of proxies.

The fees, commissions and expenses to be paid by GPU in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than May 18, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, said declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-3969; Filed, May 11, 1959; 8:46 a.m.]

[File No. 812-1225]

MASSACHUSETTS INVESTORS TRUST

Notice of Filing of Application

MAY 5, 1959.

Notice is hereby given that Massachusetts Investors Trust ("MIT"), a registered open-end investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of The Hanover Company ("Hanover").

MIT, a common law trust organized under the laws of Massachusetts, is an open-end diversified investment company, whose shares are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. The current public offering price described in MIT's prospectus includes a sales charge varying with the size of the purchase from a maximum of 7½ percent to a minimum of 2½ percent on purchases over $250,000.

Hanover, a Delaware corporation, is a personal holding company formed and wholly-owned by Hugo Dalsheimer ("Dalsheimer") of Baltimore, Maryland, which holds investment securities including a substantial amount of International Paper Common Stock. Hanover is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an Agreement and Plan of Reorganization ("Agreement") between MIT, Hanover and Dalsheimer, substantially all of the cash and securities owned by Hanover, with a total value of $10,548,047 as of March 31, 1959, will be transferred to MIT in exchange for shares of stock of MIT. The Agreement also requires Hanover to sell prior to the closing date all securities now held which MIT does not wish to acquire. The number of shares of MIT to be delivered to Hanover will be determined by dividing the net asset value per share of MIT in effect at the close of business on the day preceding the closing date into the value of the Hanover assets to be exchanged. The shares acquired by Hanover are to be distributed to Dalsheimer who represents that he has no present intention of redeeming the shares of MIT following the closing.

The value of the assets of Hanover will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance

of MIT's shares, except that if the unrealized appreciation of Hanover to be transferred to MIT, expressed as a percentage of the value of said assets to be transferred, exceeds the unrealized appreciation of MIT, expressed as a percentage of the total net assets of MIT, there will be deducted from the value of Hanover's assets 12½ percent of the amount of such excess unrealized appreciation. Since the Agreement is conditioned upon obtaining a ruling from the Internal Revenue Service that no gain or loss will be recognized to either MIT or Hanover as a result of the exchange, the basis to MIT of the assets acquired from Hanover will be the same as their cost or other basis to Hanover. The 12½ percent adjustment represents one-half of the maximum Federal capital gains tax (25 percent) potentially payable on the excess unrealized appreciation of Hanover, a compromise intended to safeguard the present stockholders of MIT from bearing a greater capital gains tax on the subsequent sale by MIT of the Hanover assets than they would bear on the sale of securities presently in its portfolio. The adjustment is also intended to protect the shareholders of MIT from the tax consequences of an immediate redemption by Dalsheimer.

As of March 31, 1959, unrealized appreciation on the Hanover securities was approximately 91.4 percent of the value of its total net assets, as compared with an unrealized appreciation of 57.5 percent for MIT's total assets. If the transaction had been consummated on March 31, 1959, the value of Hanover's assets to be transferred to MIT, in accordance with the Agreement, would have been discounted by $360,996 or approximately 3.5 percent of the value of said assets.

The Agreement recites that the securities of Hanover to be transferred to MIT are assets of the character in which MIT is permitted to invest. As of March 31, 1959, securities of a total value of $9,635,321 were to be transferred to MIT of which $9,354,608 represented common stock of International Paper Company to be acquired by MIT subject to an investment letter. It is further stated in the application that the Agreement was negotiated by the parties at arms-length and that no affiliation exists between them except as described above with respect to Hanover and Dalsheimer.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of MIT are to be issued to Hanover at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2½ percent for sales of $250,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 19, 1959 at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-3970; Filed, May 11, 1959; 8:46 a.m.]

[File No. 812-1224]

NORTHWESTERN FIRE AND MARINE INSURANCE CO.

Notice of Filing of Application for Order Exempting Transactions Between Affiliates

MAY 4, 1959.

Notice is hereby given that Northwestern Fire and Marine Insurance Company ("Northwestern"), an affiliated person of Great Northern Investments, Inc. ("Great Northern"), a registered closed-end non-diversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act certain transactions, hereafter described, in connection with the payment of a dividend by Northwestern to Great Northern.

Northwestern, a corporation organized and existing under the insurance and corporation laws of Minnesota, has not written any insurance since December 31, 1958, and all of its insurance liabilities have been assumed by Hartford Fire Insurance Company. Great Northern is the owner of approximately 96 percent of the issued and outstanding stock of Northwestern, which consists of 115,684 common shares.

On April 13, 1959 Northwestern declared a dividend of $50 per share on its common stock, under the terms of which Great Northern will be entitled to receive $5,510,900 and the minority shareholders will be entitled to receive $277,800. The present fair market value of all the securities owned by Northwestern (other than securities on deposit with the various Commissioners of Insurance which cannot presently be withdrawn) is less than the amount of the dividend which Great Northern is entitled to receive. Northwestern therefore proposes to assign all of such securities, other than securities on deposit, to Great Northern, and proposes to pay Great Northern in cash the difference between the fair market value of the securities delivered to Great Northern and the dividend which Great Northern is entitled to receive. The minority stockholders will receive their entire dividend in cash.

The securities presently owned by Northwestern consist largely of a substantial number of common stocks, none of which constitutes a significant portion of the outstanding shares of any issuer. Almost all of the securities are listed, and all of them have a readily ascertainable market value. In determining the fair market value for purposes of the dividend payment, Northwestern proposes to use the closing prices of the securities on the date they are transferred to Great Northern.

At the present time the fair market value of the securities owned by Northwestern exceeds the cost of such securities to the extent that were Northwestern to sell such securities and distributes the proceeds as a cash dividend it would incur a federal tax liability of more than $900,000, and in addition would incur substantial brokerage costs. Such costs would reduce the amount otherwise available for distribution to all shareholders of Northwestern by more than $8.00 per share.

Great Northern is in the process of calling a meeting of its stockholders for the purpose of adopting a plan of liquidation and dissolution of Great Northern. If such plan is adopted, it will sell the securities acquired from Northwestern and then distribute the proceeds of such sales to its own stockholders.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) exempts such transactions from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Since Great Northern is an affiliated person of Northwestern, the proposed transactions whereby Great Northern will take portfolio securities are subject to the provisions of section 17(a) of the Act. The application requests an order under section 17(b) exempting the transactions from the provisions of section 17(a).

Notice is further given that any interested person may, not later than May 19, 1959, at 5:30 p.m., submit to the Com-

mission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O–5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–3971; Filed, May 11, 1959; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

AMENDMENTS TO STATEMENT OF ORGANIZATION

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. The last sentence of sec. 1.10 *Organization and delegations* is amended by deleting the comma and the word "and" following the words "officers in charge" and substituting in lieu thereof the words "; immigration officers, and".

2. The first sentence of paragraph (a) *Regional Offices* of sec. 1.51 *Field Service* is amended to read as follows: "The Northeast Regional Office, located in Burlington, Vermont, has jurisdiction over districts 1, 2, 3, 7, 21, 22, and 23."

3. The list of Class A ports of entry of District No. 12—Seattle, Wash., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by deleting the port of "Longview, Wash."

4. The list of Class B ports of entry of District No. 15—El Paso, Tex., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by adding the following ports in alphabetical sequence:

Heath Crossing, Tex.
Stillwell Crossing, Tex.

5. The list of Class B ports of entry of District No. 22—Portland, Maine, of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by deleting "Holeb, Maine," and "Lowelltown, Maine."

6. The list of Class A ports of entry of District No. 31—Portland, Oreg., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended to read as follows:

Class A

Astoria, Oreg. (the port of Astoria includes, among others, the port facilities at Bradwood, Pacific City, Taft, Tillamook (including Garibaldi and Bay City), Warrenton, Wauna, and Westport, Oreg.).
Coos Bay, Oreg. (the port of Coos Bay includes, among others, the port facilities at Bandon, Brookings, Depoe Bay, Florence, Frankfort, Gold Beach, Newport (including Toledo), Port Orford, Reedsport, Waldport, and Yachats, Oreg.).
Portland, Oreg. (the port of Portland includes, among others, the port facilities at Beaver, Columbia City, Prescott, Rainier, and St. Helens, Oreg.; and Kalama, Longview, and Vancouver, Wash.).

7. The list of Class A ports of entry of District No. 32—Anchorage, Alaska, of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended to read as follows:

Class A

Anchorage, Alaska (the port of Anchorage includes, among others, the port facilities at Kodiak, Seward, Whittier, and Valdez, Alaska).
Haines, Alaska.
Juneau, Alaska.
Ketchikan, Alaska (the port of Ketchikan includes, among others, the port facilities at Pelican, Petersburg, Sitka and Wrangell, Alaska).
Skagway, Alaska.
Tok, Alaska.

8. The list of international airports in District No. 10—St. Paul, Minn., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by deleting "Minot, N. Dak., Port O'Minot Airport" and inserting in lieu thereof "Minot, N. Dak., Minot International Airport."

9. Subparagraph (4) *Immigration stations in foreign countries* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by deleting "Northeast Region, Burlington, Vt., Hamilton, Bermuda."

Dated: May 6, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59–3965; Filed, May 11, 1959; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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